

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT
3 OF PENNSYLVANIA

4 * * * * *

5 HECTOR FIGUEROA, *
6 Plaintiff * Case No.
7 vs. * 2:23-cv-00515
8 COUNTY OF DELAWARE, *
9 Defendant *

10 * * * * *

11
12 DEPOSITION OF
13 HECTOR FIGUEROA
14 October 24, 2023

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ORIGINAL

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HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 10

1 your hand or get that close to you.

2 A.I appreciate that.

3 Q.Okay.

4 It's not meant to be offensive. Today is the day
5 of your deposition. Have you ever given a deposition
6 before?

7 A.No.

8 Q.All right.

9 I understand you have a J.D.?

10 A.Yes.

11 Q.Did you take any classes in civil procedure, or
12 discovery, evidence, things like that? Are you ---

13 A.Yes. I ---.

14 Q.--- generally ---

15 A.Yes, I did.

16 Q.--- generally familiar with what a deposition is?

17 A.Yes.

18 Q.Okay.

19 And how long have you had a career involving human
20 relations?

21 A.It started in 2004.

22 Q.Okay.

23 A.And I've been doing it ever since then.

24 Q.So just under 20 years, and you've never had the
25 fortunate experience of giving a deposition?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 11

1 A.No.

2 Q.All right.

3 I'm going to go over what I hopefully will be some
4 agreeable ground rules that will help keep the record
5 pretty clear, help the Court Reporter keep order and
6 hopefully be fair to both of us.

7 Okay?

8 All right.

9 The first thing we both need to understand is that
10 everything that's being said is being taken down by the
11 Court Reporter to make a transcript that will be as
12 accurate as possible. For that reason, you have to
13 answer all of your questions out loud.

14 A.Sure.

15 Q.Okay.

16 Great. Although I have a style that I'm told is
17 very conversational, and it's not unusual to --- people
18 talk over one another in a conversation. It does make
19 it hard to a court reporter. So if you could try and
20 answer a question when I'm finished asking it, that
21 would be helpful in making sure the record is clear.

22 Okay?

23 A.Okay.

24 Q.If at any point today you don't understand a
25 question that I'm asking, it's perfectly okay to advise

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 19

1 Q.You ever volunteer anything about your experience
2 there?

3 A.No.

4 Q.Okay.

5 All right.

6 Turning back to when you started with Delaware
7 County through the Aston Carter position.

8 A.Uh-huh (yes).

9 Q.What was --- that was an instruction I missed
10 earlier. In the course of normal conversation, uh-uh
11 or uh-huh, shaking of the head, nodding of the head,
12 things like that, perfectly understood by the other
13 speaker in context.

14 A.Not a problem.

15 Q.On a dry record, it won't be understood. So when
16 you speak answer that's a negative or affirmative, use
17 yes or no.

18 A.Sure.

19 Q.Things like that.

20 Okay?

21 All right.

22 Going back to the question when you were there in
23 the beginning of March of 2022 through the Aston Carter
24 placement, what was your understanding of what your
25 duties were going to be?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 20

1 A.That of Assistant Director of Labor Relations.

2 Q.That's the title. Did you understand your ---
3 duties were going to be?

4 A.Yes.

5 Q.What did you think you'd be doing?

6 A.Basically dealing with union grievances, any
7 investigations that arrived from those, addressing
8 complaints that came in from the unions and/or
9 employees and possibly arranging for union
10 negotiations.

11 Q.Okay.

12 A.Or preparations for union negotiations.

13 Q.I know you have a J.D. What's the full extent of
14 your education?

15 A.Pardon?

16 Q.I said, I understand you have a J.D.

17 A.Yes.

18 Q.Juris Doctorate. What's the full extent of your
19 education?

20 A.I have a bachelor's in History from the University
21 of Buffalo. I also have my J.D. from the University of
22 Buffalo. Now, I originally went to Baruch College in
23 New York City between the years of 1970 and '74, but I
24 dropped out in '74.

25 Q.And what college was that? I'm sorry.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 24

1 it.

2 Q.Which I did last month.

3 A.So --- pardon?

4 Q.Which I did last month.

5 A.So I handle all of the labor relations within the
6 City of Buffalo --- I mean, within the City of New York
7 City for close to three years.

8 Q.Okay.

9 When did you move down to the Bear, Delaware area.

10 A.To give you an approximate date, ---

11 Q.That's fine.

12 A.--- not good, but I'd say about 21 years ago
13 because we purchased the house and it was brand new.

14 Q.Did you ever sit for a bar exam?

15 A.Twice.

16 Q.And how'd that go?

17 A.Failed it.

18 Q.Sorry to hear that. Any that you passed?

19 A.Pardon?

20 Q.Are there any that you passed?

21 A.No. I --- I called it a game when I took the
22 Pennsylvania Bar and missed it by four points, and
23 that's when I said, you know, enough is enough, because
24 I was already beyond 40-years old. I already had two
25 daughters and a wife, and those --- so let me go to

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 25

1 work and I never looked back.

2 Q.Okay.

3 And what field did you get into when you made that
4 decision?

5 A.I originally got into education. I became the
6 education director for the Urban League. There were a
7 couple other jobs too, but I was brought here. I had a
8 very good --- well, a very close friend of mine who was
9 the Medical Director for Coventry Healthcare, and he
10 said, listen, they need a compliance manager, but you
11 have to move to Delaware. That's why I ended up in
12 Delaware.

13 Q.How'd you end up in human relations?

14 A.Basically, when I went to Charleston and I was
15 their chief of staff there and one of my departments
16 that I was ---. Well, I had --- they reported directly
17 to me from HR, so I was in charge of it.

18 Q.Do you have any certifications or anything ---

19 A.No.

20 Q.--- human-resources related?

21 Human relations?

22 A.No. No SHRM or anything like that, no.

23 COURT REPORTER:

24 No what?

25 THE WITNESS:

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 30

1 A.Sorry about that.

2 Q.No, it's all right. Like I said, if you need to
3 correct something, just speak up.

4 All right.

5 When you assumed the position in March of '22 with
6 the County, you said you were handling union
7 grievances, investigations, union complaints, employee
8 complaints and that includes both union and nonunion
9 ---

10 A.Yes.

11 Q.--- employees?

12 We're doing it again. You know where I'm going,
13 and that's okay, but my ---

14 A.I know, I know.

15 Q.--- my mouth got to stop moving so she can get it
16 down.

17 A.Not a problem.

18 Q.And did you have an office on campus at the County
19 building?

20 A.Yes.

21 Q.All right.

22 Where was it?

23 A.If I remember correctly, it was on the second
24 floor.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 34

1 later, but that's his normal time.

2 Q.Okay.

3 And when you took up this position, were you
4 replacing anyone?

5 A.No.

6 Q.Were you a brand new hire?

7 A.It was a new position.

8 Q.It how did you get hired for that position?

9 A.It's a good question because I had been hired, I
10 had been sent there by Aston Carter. I interviewed
11 with Howard Lazarus and Jamal. The day after I
12 interviewed with them, I got offered the position on a
13 contract basis. And then about three weeks, four weeks
14 after I was there, I was offered a job by Jamal as a
15 full-time employee.

16 Q.And to the extent you may remember, what was
17 explained to you at the time of your interview by Mr.
18 Johnson and Mr. Lazarus about what they needed you to
19 do, what challenges they were looking at and hoping you
20 may help with?

21 A.Their major challenge at that time was the union
22 negotiations that they were very concerned about.
23 Specifically that it was coming up pretty soon, which
24 was the park police and I think it's SEIU, I'm not
25 quite sure. I don't remember right now, but that was

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 35

1 their major concern at that time and also just to make
2 sure that someone was there to address any sort of
3 grievances that may have occurred.

4 Q.Okay.

5 Were you given any historical perspective of what
6 the impressions were of the personnel department, what
7 things they were hoping to accomplish going forward?

8 A.Yes, as a matter of fact, the impression that I
9 was given is that at one time the personnel department
10 was in total disarray and within a very short time
11 before I got there, they were really getting their act
12 together. But that was the initial impression I got,
13 that they were rebuilding.

14 Q.And how did they see you as part of that?

15 A.At first I was just a contract employee, so
16 getting some sort of visual, some sort of idea of what
17 they expected of me was basically what I was supposed
18 to do as per the instructions, but then when they did
19 hire me, they felt that I was going to be a vital part
20 of the entire revitalization.

21 Q.When you say it's in disarray, what was your
22 understanding that would lead to that conclusion?

23 A.Well, as you may know, there was a big political
24 change in the County of Delaware that I wasn't aware of
25 until I got there. And prior to Jamal getting there,

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 36

1 HR wasn't respected very much and I think there were a
2 lot of concerns about HR, but insofar as whether or not
3 anyone gave me any finite details insofar as dipping
4 into the weeds, they just said that it was rebuilding,
5 it was in disarray.

6 Q.How soon before the interview did Aston Carter
7 tell you this position might be open and that you're
8 being considered for it?

9 A.The day after I interviewed. So I interviewed one
10 day, and they told me the very next day that I had been
11 hired.

12 Q.I either poorly phrased it or you didn't answer my
13 --- understand my question, so I'll try again. How
14 soon before the interview ---

15 A.Oh ---.

16 Q.--- did Aston Carter tell you about it, and what
17 did they tell you about it?

18 A.About a week.

19 Q.Okay.

20 A.They said we have this position available. They
21 were concerned because they had never dealt with that
22 before, with that sort of position. They said, listen,
23 we have this available. We've never done one of these
24 before. We're referring you because we feel that
25 you're a good candidate. Please do your best, and I

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 40

1 ATTORNEY SCHLEIGH:

2 Yeah.

3 COURT REPORTER:

4 And you want mini and regular size?

5 ATTORNEY SCHLEIGH:

6 Sure.

7 COURT REPORTER:

8 Okay.

9 Thank you.

10 ATTORNEY SCHLEIGH:

11 Thank you for your patience.

12 All right.

13 BY ATTORNEY SCHLEIGH:

14 Q.We were talking about one of the things that you
15 were going to be working on as you got involved in
16 March '22 was the fact that the prison was in the
17 process of privatizing and there was employment
18 decisions to be made.

19 What else do you recall about that part?

20 A.There was specifically --- well, a lot of the
21 individuals had to be reinterviewed prior to going back
22 in, but one of the sticking points that became an issue
23 is that there were two individuals from the prison.
24 One was the president of the union, the other one was
25 the vice president of the union that had been accused

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 41

1 of physical violence against the inmates, and she did
2 not want to hire them back.

3 Q.When you say she, you're talking about the warden?

4 A.Yes, the warden.

5 Q.That would be Warden Lisa Williams? Or was it
6 Linda?

7 A.I know her last name was Williams. I'm not quite
8 sure. I don't know her first name.

9 Q.Okay.

10 A.And that became an issue.

11 Q.How so?

12 A.Well, she absolutely refused to rehire them, and
13 then the union kept on insisting that they be hired,
14 and it became an issue. Well, I had already left when
15 --- well, I was told to leave prior to the negotiations
16 ending, but that had been a very big issue, that the
17 union wanted them to be rehired and the warden didn't
18 want them back. And on top of that, myself and Jamal
19 agreed that they should not be hired because they had
20 very poor records of physical violence against inmates,
21 and the violence had been documented, too, so that's
22 why.

23 Q.And because of their positions, they were part of
24 the collective bargaining agreement ---

25 A.Yes.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 42

1 Q.---for that union.

2 Right?

3 A.Yeah.

4 Q.Now, there was a period where you went from being
5 a contract employee, and then you said you were hired
6 full time.

7 Was there a break between the two?

8 A.No, as a matter of fact, I had been a contract
9 employee for about three to four weeks, and then Jamal
10 and Mr. Lazarus came into my office and said, we're
11 hiring you full time.

12 Q.Is there a period where you had left?

13 A.Yes. As a matter of fact, I don't remember the
14 dates exactly, but I took a position with a firm called
15 AVI at Penn Medicine, but I was only there for maybe
16 three to four weeks and then I went back to the County.

17

18 Q.Okay.

19 Can you narrow down what the time frame of that
20 was, like, date-wise or month-wise?

21 A.I think it was between April and May that I was at
22 AVI. I wasn't there very long, and then I went back to
23 the county. I started questioning my decision as to
24 why I went to AVI, and I had made a very bad mistake.
25 So I approached Jamal about going back.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 48

1 this is not the place for me.

2 Q.Okay.

3 Anything else other than that?

4 A.That's it. I just didn't feel that I was at the
5 right place.

6 Q.Did you feel like it was a lack of respect?

7 A.No. Well, I don't know, to be frank with you. I
8 just felt that it was location-wise, and where I was
9 positioned within the building was not so much the
10 office. I was next to the food processing area. And
11 again, I felt very uncomfortable. I just didn't want
12 to be there.

13 Q.Were there any issues with your job performance
14 while you were with AVI?

15 A.No. No, none.

16 Q.How did your rejoining the county get initiated?

17 A.I contacted Jamal and I said, listen, verbatim I
18 said, can I go back? And he said, well, let's see what
19 we can do, because when I left, I left with ---under
20 very, very, very nice conditions. And he said, let's
21 see what we can do. I guess he approached Howard
22 Lazarus and they approved it.

23 Q.When you left the first time, they took you out
24 for drinks or something, right?

25 A.Yeah. They took me out for lunch.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 49

1 Q.Okay.

2 Who was in attendance at that?

3 A.The entire HR staff. To give you their exact
4 names, I can't remember.

5 Q.Okay.

6 A.But I would say that close to 80 percent of the
7 staff was there.

8 Q.People from outside HR as well?

9 A.No.

10 Q.How about Lauren Footman? Did she ever ---

11 A.No.

12 Q.--- go out there with you?

13 A.No. I don't believe she had been ---. I don't
14 quite remember whether or not she was already on staff
15 at that time.

16 Q.When you left the first time and took the position
17 with AVI, did you have to do like, any exit memos or
18 status reports for whatever you were working on?

19 A.No.

20 Q.Were you ever asked to?

21 A.NO.

22 Q.Was there any way that you updated your direct
23 reports as to what you were leaving undone?

24 A.Well, I gave Jamal a ---. I used to give him
25 daily updates, insofar as what was outstanding, but

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 50

1 insofar as anything written, I don't think I did.

2 Q.Okay.

3 So when you say you gave him updates, was that
4 done orally?

5 A.Yes. I used to go to his office every morning.

6 Q.Was there like an end-of-day meeting as well?

7 A.No.

8 Again, I'm trying to remember whether or not I
9 gave him anything in writing, but quite frankly, I
10 can't remember right now.

11 Q.That's fine. Is there anything that might refresh
12 your reflection?

13 A.I would have to rifle through all of my emails,
14 but my computer was left there and all the emails that
15 were in the computer were there.

16 Q.Were there any type of regular reports you had to
17 make while you were working for the office during the
18 first period?

19 A.No. I just made sure that I would get together
20 with him and let him know what was going on. There may
21 have been times that I sent them emails insofar as the
22 investigations that were ongoing, but I don't have
23 copies of those.

24 Q.I understand. Did you review anything in
25 preparation for your deposition day? And I don't want

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 54

1 only about 15 of us were left after that.

2 Q.Okay.

3 When you came back after being at AVI, was there
4 any change to what your job responsibilities were?

5 A.No.

6 Q.Okay.

7 A.Just to make sure --- I think the emphasis got a
8 little bit more --- the emphasis stayed on the
9 negotiations and on making sure that any sort of
10 investigations addressed, but nothing really
11 outstanding changed.

12 Q.Did you have coworkers in your unit who also were
13 doing investigations?

14 A.No. Just Jamal and myself.

15 Q.Who else was in your unit?

16 A.It was just myself and Jamal. I mean, I dealt
17 with ---. Everybody else that was there had their own
18 distinct duties. I dealt with --- I used to get
19 referrals from

20 Q.Everybody.

21 A.Else that was there, had their own distinct with.
22 I used to get referrals from Munsanda Brown and also
23 from ---I can't remember her name she was deeply
24 involved with FMLA and extended leave. I got some
25 referrals from them, but I was the only one doing what

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 55

1 I did, along with Jamal.

2 Q.Okay.

3 What was your understanding of what Ms. Brown's
4 responsibilities were?

5 A.She was recruiting. She specifically dealt with
6 recruiting. There were times, of course, that
7 complaints because she had been there longer than I. I
8 guess they felt comfortable with her. There were some
9 complaints that were forwarded to her, and she would
10 forward them to me, but that's about it.

11 Q.Okay.

12 Was there any other office workers in your
13 department or anything like that?

14 A.Yeah. There was --- they were involved primarily
15 with making sure that the documentation with new
16 employees came in, were done. There was another
17 individual that was involved with putting together
18 training, extensive training for new employees and for
19 old employees. There was another individual that was
20 firmly involved with retirement and the requirements
21 thereof. There were three people involved with that,
22 but I didn't deal with them much.

23 Q.Okay.

24 A.I mean, we were familiar, but insofar as working
25 on projects together? No.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 56

1 Q.You wouldn't have reported to them; they wouldn't
2 report to you?

3 A.No.

4 Q.Did you have any responsibilities with, let's say,
5 something like subpoena compliance?

6 A.There were a number of subpoenas that came
7 through, and I would give those for follow up to the
8 lady that dealt with FMLA and extended leaves, because
9 a lot of them had to do with those, but that was about
10 it.

11 Q.Did you ever handle any subpoena compliance
12 yourself?

13 A.No.

14 Q.Was there ever a time ever while you're working
15 for the County where you thought your workload was too
16 high?

17 A.No.

18 Q.Okay.

19 Did you ---?

20 A.No, I don't think so. I mean, everything was, in
21 my view, everything was handled as they should have
22 been handled. There was never a time that it was
23 overextended.

24 Q.Was there ever a point while you're working for
25 the County at any time where you asked for any

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 57

1 assistance with any of the assignments that have been
2 given to you?

3 A.Can you rephrase that? I mean, I don't understand
4 what you're asking.

5 Q.Is there any point where you asked for any
6 assistance with any assignments that you've been given
7 that you were expected to perform yourself and you felt
8 you were unable to?

9 A.No. It wasn't that I wasn't able to, is that I
10 usually used to turn to Jamal sometimes because of the
11 fact that he was ---. His role, everything that had to
12 do with unions, as per the regulations, had to go to
13 him. So when it came, when there were issues that had
14 to do with union negotiations and the finer points of
15 it, insofar as what he was aware of, I would share with
16 him and at times ask for help. But other than that,
17 no.

18 Q.Were there ever times that you felt that he was
19 unresponsive to any of your requests?

20 A.No.

21 Q.Okay.

22 Is there any time where you felt Mr. Johnson
23 wasn't giving you the support you needed as a direct
24 report?

25 A.No. He was --- quite frankly, he was the best

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 58

1 supervisor that --- one of the best that I've ever had.

2

3 Q.In the course of working on any of the union
4 projects, did you come into contact with any outside
5 attorneys?

6 A.Oh, yeah.

7 Q.Who were working for the County? Let me ---

8 A.Well, ---

9 Q.--- narrow the scope.

10 A.There was one -- there was one individual, I can't
11 --- I think it was --- last name was McFarland. I
12 can't recall right now. He actually used to
13 participate in all the union negotiations that we had.

14 Q.Okay.

15 And you think his name is McFarland?

16 A.I can't quite remember, but I think so. I'm not
17 quite sure.

18 Q.Okay.

19 A.I can't remember right now.

20 Q.Did you ever meet Mr. McFarland face to face?

21 A.Oh, yeah, plenty of times.

22 Q.So what do you look like?

23 A.He had grayish hair, had a mustache from what I
24 remember correctly. I guess he was about maybe five-
25 five, five-six, maybe five-seven. If he tipped the

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 59

1 scales, it was anywhere between 190 pounds. It was a
2 lot. Very well dressed, very well mannered.

3 Q.Do you remember what firm Mr. McFarland was
4 associated with?

5 A.No, I don't remember.

6 Q.Does the name Campbell Durant sound familiar?

7 A.Yes. There were a couple of attorneys that I
8 initially dealt with, Jamal and I were dealing with
9 initially with the union negotiations, with the prison
10 that came from there. But Jamal and Mr. Lazarus and
11 myself --- well, mostly those two, decided that their
12 participation should be limited insofar as the union
13 negotiations were concerned and that they should be
14 given just a certain portion of it. But insofar as
15 upfront union negotiations, no, the County decided to
16 leave them out of that.

17 Q.Why was that?

18 A.I guess it had to do with some history. The
19 feeling was that they were more of a --- not a
20 detriment, but that ---. And again, I'm trying to
21 remember, it was just a general feeling that their
22 participation was it wasn't providing anything, so the
23 decision was made not to let them participate to the
24 fullest extent.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 60

1 Were you involved in prison union negotiations
2 prior to you going to AVI?

3 A.Prior to myself going to AVI there were --- that
4 was at the very beginning of it.

5 Q.Okay.

6 A.I remember distinctly that prior to me leaving,
7 there was an email that was sent by Mr. Richman, who is
8 the attorney for the union, asking for some very
9 specific information that he had required to actually
10 begin the negotiations, but that was about it. When I
11 got back --- when I went back, I had discovered that
12 --- because I had sent a copy of that message to Jamal
13 and to other individuals in the County, that he was
14 requesting information. When I got back to the County,
15 I discovered that they had not taken care of that. So
16 I just tried to make sure that he got everything that
17 he wanted.

18 Q.Did you have any problems accomplishing that task?

19 A.Well, it was very extensive. All right? That's
20 where the situation having to do with the other two
21 individuals that were not being hired came into play.

22 Q.Just to reference earlier testimony, you're
23 talking about the president, vice president ---

24 A.Yes, yes.

25 Q.--- and prison security guard union?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 61

1 A.Yes, and that came into play at that time. And
2 that --- again, that wasn't something that I got
3 involved in. That was a strict decision that was made
4 by the warden, that she just refused to rehire them.
5 What I did at that time is that I got in touch
6 with Mr. Richman. I said, listen, what is it that you
7 need right now to start the negotiations? And I think
8 he gave me a couple of things, and I immediately took
9 care of that and sent that to him.

10 Q.Was the Campbell Durant Law Firm involved in that?

11 A.No.

12 Q.Okay.

13 All right.

14 Was there a practice, or protocol or procedure in
15 place that if a department head wanted to write up or
16 discipline an employee, that it had to be reviewed by
17 HR first? Generally speaking?

18 A.Uh-huh (yes).

19 Q.You have to speak your answer out loud?

20 A.Well, yeah. We made an effort to let everybody
21 know that if there was a write up, if there was a
22 complaint, whether it had to do with behavior and/or
23 performance, that it'd be run by us.

24 Q.And that was across the board for every
25 department?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 62

1 A.I would have to say, yes, they should have known,
2 but I know that Jamal made it a point of making sure
3 that everybody knew that everything had to go through
4 him or myself, insofar as, anything that had to do with
5 performance and/or behavior.

6 Q.Okay.

7 And how is that communicated to the various
8 departments?

9 A.That, I don't know.

10 Q.Okay.

11 A.I'm not quite sure.

12 Q.All right.

13 Would you have been involved in communicating that
14 to the departments in any way?

15 A.No.

16 Q.All right.

17 If a proposed form of write up or discipline came
18 in to your department for review, what was the expected
19 time to review, comment and contact that department
20 head to provide further advice?

21 A.We would like to take care of them as quickly as
22 possible. There wasn't any sort of specific time frame
23 that was attached to each one of them, but depending
24 upon the complaint and the follow-up interviews that
25 had to be taken care of, we would try to take care of

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 63

1 them as quickly as possible. But of course, that ---
2 you have to take into account that when a complaint is
3 filed, there have to be interviews that have to be
4 taken care of, timeframes have to be agreed to, but we
5 try to take care of them as quickly as possible.

6 Q.How about just a simple acknowledgement that
7 you've received it? How long would that take?

8 A.I would have to say that once either myself or
9 Jamal got a complaint, we would try to get a response
10 to the parties involved as quickly as possible. I'd
11 say within 24 to 48 hours, if we could, yes.

12 Q.And if a proposed write up or discipline is
13 provided, would you expect something to be acted one
14 way or the other within three weeks?

15 A.Oh, yeah.

16 Q.Okay.

17 All right.

18 How did you personally keep track of what projects
19 you were working on while you were with the department?

20 A.I had --- I had my own little crib sheet, insofar
21 as, making sure that these things were outstanding. I
22 know Jamal had put something together rather --- it was
23 rather extensive, insofar as, giving a detailed report
24 insofar as to what was outstanding. But I had to keep
25 track of them one way or another. So I just kept my

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 66

1 Q.And how about your to-do list? Was that something
2 you kept?

3 A.No, I didn't keep that because, again, there was
4 that big calendar that comes on the desk.

5 Q.That's how you did your to-do list?

6 A.Well, I --- I updated it daily. I had the
7 calendar, what I would put in there as well. I was
8 pending for that day or for the week and stuff like
9 that, but other than that ---.

10 Q.Now, we're aware, I think we can all fairly say,
11 that there was some disputes between Lisa Jackson, who
12 was the head of the purchasing department, and one of
13 the buyers by the name of Franklin Fitzgerald.

14 Fair?

15 A.Yes.

16 Q.Okay.

17 How did it first come to your attention?

18 A.It didn't come directly to me first. The
19 complaint was taken by Munsanda Brown, and then she
20 immediately referred it to me. Well, not immediately,
21 but she just told me what was going on and she said you
22 have to --- you have to look into this. So it didn't
23 come to me directly. It came to her first.

24 Q.Do you remember when Munsanda first informed you
25 about it?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 67

1 A.Can I look at my ---?
2 Q.If it helps you refresh your recollection, by all
3 means.
4 COURT REPORTER:
5 How do you spell Munsanda?
6 THE WITNESS:
7 M-U-N-S-A-N-D-A.
8 COURT REPORTER:
9 Thank you.
10 THE WITNESS:
11 And last name is Brown.
12 ---
13 (WHEREUPON, WITNESS REVIEWS.)
14 ---
15 ATTORNEY SCHLEIGH:
16 It might be D-E, but I'm not sure.
17 ATTORNEY COHEN:
18 It's A.
19 ATTORNEY SCHLEIGH:
20 Is it?
21 ATTORNEY COHEN:
22 Pretty sure. You're saying at the end,
23 an E?
24 ATTORNEY SCHLEIGH:
25 Yeah.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 68

1 THE WITNESS:

2 That had to be --- I don't have the date

3 here, but it had to be, I guess, in the middle of July?

4 Yeah, probably the middle of July because I don't have
5 the date right here.

6 BY ATTORNEY SCHLEIGH:

7 Q.Okay.

8 Not able to better approximate it than that?

9 A.I would have to give you either the first or
10 second week of July. Around the first and second week.

11 Q.Is that the first time you became aware that there
12 was an issue between Franklin and Ms. Jackson?

13 A.Yes.

14 Q.Nothing before that?

15 A.No.

16 Q.Okay.

17 And how was it communicated by Ms. Brown to you?

18 A.She told me to go into her office, that she had
19 been approached by Franklin Fitzgerald, but by that
20 time there was nothing in writing just yet. She just
21 told me, listen, this gentleman came to my office and
22 there's this complaint, he has a lot of concerns. And
23 that's when it all started?

24 Q.That's when it started?

25 A.Yeah. That's when I became aware of it.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 69

1 Q.As a resulting of that report being made to you,
2 what, if anything, did you do?

3 A.I called Franklin in just to get his take on it,
4 insofar as what had occurred. I told Jamal of what the
5 complaint was all about, and we both agreed that the
6 rest of the staff within purchasing had to be
7 interviewed also, and we started doing that.

8 Q.Do you remember approximately how soon after Ms.
9 Brown made you aware of this issue that you spoke with
10 Mr. Fitzgerald?

11 A.Hold on for a second.

12 Q.And you're just referring to your Amended
13 Complaint?

14 A.Yeah.

15 Q.Okay.

16 A.Bear with me.

17 Okay?

18 Q.Sure.

19 ---

20 (WHEREUPON, WITNESS REVIEWS.)

21 ---

22 THE WITNESS:

23 I know that the rest of the staff was
24 interviewed on August 2nd and August 3rd. Insofar as
25 the day, that the exact date that Munsanda Brown had

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 70

1 brought to my attention, I can't recall. I do know

2 that on July 28th, Ms. Jackson had issued a

3 disciplinary action against Mr. Fitzgerald.

4 Oh, one more thing.

5 ATTORNEY SCHLEIGH:

6 Uh-huh (yes).

7 THE WITNESS:

8 We did interview Mr. Fitzgerald on August

9 1st. When I say we, it was myself and Jamal Johnson.

10 So you figure if in fact he got --- the disciplinary

11 action, was issued on the 28th, he was interviewed on

12 the first.

13 BY ATTORNEY SCHLEIGH:

14 Q.So what triggered the interview? Was it Munsanda

15 Brown's communication or was it the disciplinary

16 action?

17 A.Munsanda Brown's because, you know, he complained

18 to her, and then not long after that, the disciplinary

19 action was filed against him and that's when all the

20 interviews were initiated, right after that he got the

21 disciplinary on July 28th. We interviewed everybody

22 within a couple of days right after that.

23 Q.Earlier, I believe you said that Ms. Brown came to

24 you sometime in the first two weeks of July?

25 A.Well, I don't have an approximate date, insofar as

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 71

1 that's concerned.

2 Q.Okay.

3 A.I'm just going off the top of my head maybe.

4 Q.I understand. How soon after she communicated
5 that to you, did you and Mr. Johnson make the decision
6 to interview all members of purchasing?

7 A.Within three days.

8 Q.Okay.

9 A.Three or four days.

10 Q.So Brown talks to you and then within three to
11 four days, you and Johnson meet and make a decision to
12 interview members of the purchasing department?

13 A.Yes.

14 Q.Okay.

15 How long does it take to set up interviews with
16 people in the purchasing department?

17 A.It was done as quickly as possible, but because of
18 the weight of the complaint, so we try to schedule them
19 as quickly as possible. I would say between 24, 48,
20 every 72 hours after the initial complaint was
21 rendered.

22 Q.Okay.

23 Does that thinking through that affect your
24 understanding as to when Ms. Brown first contacted you?

25 A.Well, if I was to think through that, then I would

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 72

1 have to elevate the date and so forth, right, before
2 the interview started. So I'd say maybe by the end of
3 July.

4 Q.Can you say whether Ms. Brown contacted you before
5 or after you became --- excuse me. Let's try that
6 again.

7 Did you start initiating the investigation after
8 Ms. Brown contacted you? Do you recall whether that
9 was before or after you learned of Ms. Jackson's July
10 28th disciplinary action?

11 ATTORNEY COHEN:

12 I'm going to object. It's confusing to
13 me.

14 ATTORNEY SCHLEIGH:

15 I'm trying to understand the timeline.

16 BY ATTORNEY SCHLEIGH:

17 Q.Did Ms. Brown talk to you before or after you
18 became aware of Ms. Brown's July 28th disciplinary
19 action?

20 A.I would have to say before because I wasn't even
21 aware of it.

22 Q.Okay.

23 How did you become aware of the disciplinary
24 action?

25 A.I think, if I remember correctly, she --- I'm

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 73

1 trying to remember. I think she had forwarded that
2 disciplinary reaction to Mr. Johnson.

3 Q.Okay.

4 A.And him and I, if I remember correctly, we decided
5 to immediately start interviewing individuals just to
6 address the issue.

7 Q.Was that the first time she'd ever made you aware
8 that she intended to take any discipline action against
9 Mr. Fitzgerald?

10 A.Yes.

11 Q.Did you ever have any discussions with Mr. Johnson
12 as to whether Ms. Brown had ever sought to take earlier
13 disciplinary action against Mr. Fitzgerald?

14 A.You mean Ms. Jackson?

15 Q.I may have misspoken let's try that again.

16 Were you ever aware, through Mr. Johnson, that Ms.
17 Jackson had intended to take any disciplinary action
18 prior to July 28, 2002 (sic), against Mr. Fitzgerald?

19 A.Not that I'm aware of, no.

20 Q.Okay.

21 All right.

22 So tell me about how you conducted your interviews
23 related to Mr. Fitzgerald's complaints.

24 A.Well, you usually start the interview by taking
25 all the information pertaining to the employee, how

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 88

1 And I know this, and I'm sure you know this,
2 Franklin Fitzgerald was a black male. Right?

3 A.Yes.

4 Q.He wasn't West African?

5 A.No, he wasn't. No, he was not.

6 Q.And when we're talking about Lisa Jackson, she was
7 an African female.

8 Right?

9 A.Yes.

10 Q.Lauren Footman was an African female?

11 A.Yes.

12 Q.Okay.

13 Just wanted to get that on the record so that we
14 all know what we're talking about.

15 A.That's okay.

16 Q.All right.

17 Marc Woollery (sic) --- Woolley. I keep getting
18 him --- I keep thinking of Chuck Woollery. So forgive
19 me. Marc Woolley ---

20 A.Is African-American.

21 Q.Is African-American.

22 All right.

23 When did you start having communications with Marc
24 about your investigation of Ms. Jackson?

25 A.Let's see. Hold on for a second, let me refresh

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 89

1 my memory real quick.

2 Q.Yep.

3 A.It wasn't too far after that. We finished our
4 investigations by May --- by Thursday, August 4, and we
5 made Mr. Woolley aware on the 5th that we had completed
6 our investigations.

7 Q.Okay.

8 A.Our interviews, rather.

9 Q.All right.

10 And when you informed Marc Woolley that the
11 interviews had been completed, had you completed an
12 interview of Ms. Jackson?

13 A.No. As a matter of fact, Ms. Jackson was
14 scheduled to be interviewed, but she had decided to go
15 on vacation, so we didn't --- I didn't get a chance to
16 interview her.

17 Q.Do you know if her vacation had been prescheduled?

18 A.That, I don't know.

19 Q.Okay.

20 Did she, in fact, go on vacation?

21 A.Was she on vacation?

22 Q.Are you aware whether or not she actually did go
23 on vacation?

24 A.No.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 90

1 A.She wasn't there, though.

2 Q.All right.

3 Does the personnel department need to approve
4 vacations?

5 A.No. In this particular case, because of the fact
6 that she reported to Mr. Woolley, Mr. Woolley would
7 have to approve that vacation.

8 Q.And did you advise Mr. Woolley that you're unable
9 to interview Ms. Jackson because she was going on
10 vacation?

11 A.I think Jamal did that, not myself.

12 Q.And was there any discussion about interviewing
13 her once she returned?

14 A.Well, in order to complete it --- to complete the
15 investigations, the proper thing to do is to interview
16 her, but by this time, I think I didn't get a chance to
17 interview her. I don't know if, in fact, Jamal had
18 interviewed her.

19 Hold on for a second.

20 ---

21 (WHEREUPON, WITNESS REVIEWS.)

22 ---

23 THE WITNESS:

24 No. I know I didn't get a chance to

25 interview her. I don't know if, in fact, Jamal had

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 91

1 interviewed her.

2 BY ATTORNEY SCHLEIGH:

3 Q.Hypothetically speaking, what is the importance of
4 interviewing the object of an employee complaint, in
5 this case, a manager, for concluding an investigation
6 and reaching an opinion?

7 A.Can you rephrase that? I'm sorry.

8 Q.Sure. Let's start here. Is it important to
9 interview the object of an employee complaint?

10 A.Yes.

11 Q.Okay.

12 Why is it important?

13 A.Because there's always two sides to every story.
14 There's a story of the individual that supposedly is
15 being harassed, and then there's always the story of
16 the person who is supposedly causing the harassment.
17 So it's always good to get everybody's opinion.

18 Q.Okay.

19 To put it in the colloquial, do you think Lisa
20 Jackson was ducking the investigation?

21 A.Good question.

22 Q.I'm asking your opinion here.

23 A.You know what? Maybe. I don't know. I'm trying
24 to give you an honest answer without being prejudicial
25 in any way, shape or form. She may have been. I'm not

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 92

1 quite sure. I know all I know is that the movements
2 were so quick and so fast and the opinions, and I just
3 don't know whether or not it was convenient for her not
4 to be there.

5 Q.Okay.

6 In considering Lisa Jackson's version of events
7 without the benefit of an interview, would you have
8 considered things about whether she attempted to
9 discipline Mr. Fitzgerald on earlier occasions?

10 A.I think she may have. When I interviewed the
11 other individuals from the department, they made it
12 sound like she had --- that the behavior of Mr.
13 Fitzgerald had been ongoing and consistent. Now,
14 whether or not there had been any other formalized
15 complaints against Mr. Fitzgerald, I don't know.

16 Q.Okay.

17 Was there anything from your investigation that
18 would suggest to you that even though you felt that the
19 complaints about Ms. Jackson were substantiated, you
20 may have also felt that Mr. Fitzgerald may have acted
21 insubordinate?

22 A.Well, let's put it this way. If, in fact, Mr.
23 Jackson was treated, allegedly treated, the way that he
24 said that he was treated, I would think that there
25 would be some sort of pushback coming from Mr.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 95

1 made a couple of efforts, but other than that, I don't
2 remember whether or not --- how many he did, I'm not
3 quite sure.

4 Q.Okay.

5 Just so we're clear, when you say he, you're
6 referring to Mr. Johnson?

7 A.Yes, Mr. Johnson. Jamal Johnson, yes.

8 Q.Are you aware of whether you or Mr. Johnson or
9 the combination of the two of you ever went to a
10 person further up the chain of command in order to get
11 assistance in obtaining Ms. Jackson's interview?

12 A.Well, I think what we did, Mr. Johnson and
13 myself, is that we had given Mr. William, Mr. Lazarus,
14 a transcript or I think a copy or an indication that
15 all the interviews were completed. And according to
16 Mr. Johnson --- well, I don't know what happened after
17 that. All I know is that we informed them that we
18 have finished everything. And therein that's when Mr.
19 Woolley said that maybe Mr. Fitzgerald should be moved
20 and that a confidential search should begin to replace
21 Director Jackson.

22 Q.Okay.

23 I appreciate that answer, but my question was,
24 did you do anything to obtain the compliance of Ms.
25 Jackson to give an interview?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 99

1 Do you have any understanding as to whether Mr.
2 Fitzgerald stayed in the purchasing department while
3 Ms. Jackson was on vacation he was in danger of being
4 otherwise treated poorly, retaliated against, or
5 mistreated by Ms. Jackson?

6 A.All I know is that as of August 4th of 2022, the
7 efforts started to be made insofar as having Mr.
8 Fitzgerald move to either Ms. Locke's department or to
9 Fair Acres.

10 Q.To your understanding, was there a desire of Mr.
11 Fitzgerald to stay in the purchasing department?

12 A.No, there wasn't.

13 Q.So he wanted to be transferred?

14 A.Yeah.

15 Q.Were you aware of any other employees of
16 purchasing during that time that you were conducting
17 this investigation that wanted to be transferred out
18 of the purchasing department?

19 A.Yes, there were.

20 Q.Who?

21 A.As a matter of fact, Michael McGough,
22 M-C-G-O-U-G-H, had made it very clear that he wanted
23 to get transferred. And if my memory serves me right,
24 Andrew Furman also made the same sort of --- how can I
25 say suggestions.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 110

1 employment with Delaware County, did you ever have any
2 conversations with Ms. Jackson?

3 A.Just casual. I mean, she was a co-worker. We
4 were seeing each other in the lunchroom or in the hall
5 and say hello, but that's about it.

6 Q.And did you try to continue having investigation
7 or have an interview with her? What was going on?

8 A.See, the thing is, you're asking whether I had
9 any interactions with her prior to the investigation.

10 Q.You misunderstand my question. After she left
11 for vacation.

12 A.For vacation?

13 Q.I guess that was early August of 2022, until you
14 left, I think it was August 23rd.

15 A.23rd, yeah.

16 Q.Okay.

17 August 23rd, '22. In that period of time, did
18 you ever have an interaction with Ms. Jackson again?

19 A.No, but I can safely say that CPO Johnson and
20 myself did make an effort to get her into our office,
21 but she never came.

22 Q.What did you do?

23 A.Well, I know he had reached out to her. I don't
24 know whether or not he did it verbally or an email
25 form or whatever or something like that, but she was

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 112

1 Q.Tell me about the events that eventually resulted
2 in your termination. What happened?

3 A.I don't know what happened. All right. I'm
4 going to be blunt. I was invited to a meeting that it
5 was to be held around 3:30 in the afternoon on August
6 22nd. I believe it was August 22nd or early August
7 23rd. I made an inquiry, insofar I had gone to Mr.
8 Lazarus' office and I said, what's this all about?
9 And I was given a response, well, we don't know.
10 When I went downstairs to the room where Common
11 Council gets together, I knew I was going to get
12 fired, because usually when we had terminated
13 individuals up in HR, we would usually have a police
14 officer right outside the office just in case. And
15 when I went downstairs, I saw that.

16 Q.For clarification you're talking about park
17 police officers?

18 A.Yeah, park police officer. The funny thing is, I
19 had just negotiated their contract. I knew the guy
20 who was there.

21 Q.And when you say County Council Chambers, I think
22 you're talking about the first floor.

23 A.No, the meeting was --- yeah, on the first floor.

24 Q.First floor where they had public meetings?

25 A.Yeah, I think that's the second floor. I'm

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 111

1 never available.

2 Q.When the instruction came that she could not be
3 terminated, did that mean that any other form of
4 discipline or other type of action was off the table?

5 A.I think during that time there was some sort of
6 discussion of having her go on administrative leave or
7 something to that effect, but it never came to play.
8 It never occurred.

9 Q.Okay.

10 Were you expected to continue the investigation
11 and still interview her after they told you she
12 wouldn't be terminated?

13 A.Well, as a matter of fact, after we gave all of
14 the interviews, the results of the interviews to Mr.
15 Woolley, and after a decision had been made that she
16 was not to be terminated, I think Mr. Johnson took
17 charge of the case then because it was a little bit -
18 -- how can I say? Yeah, Mr. Johnson took care of it
19 after that because the players that were involved were
20 way above my pay grade, and he took charge of it after
21 that, I believe.

22 Q.Okay.

23 Were you kept informed of any status of ongoing
24 investigation after that?

25 A.No.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 113

1 sorry, that's the second floor, which means that were
2 up on the third floor. I'm sorry.

3 Q.On the third floor?

4 A.All I know is that I had to take the elevator
5 down to go to the conference room. Oh, wait. Yeah,
6 exactly.

7 Q.Okay.

8 Let's make sure we're same as in terms. The
9 conference room, is that the County Council ---

10 A.Yes.

11 Q.--- room? That would be on the first floor right
12 outside the elevator bay?

13 A.Yes.

14 Q.It's got the opening or stairwell that goes down
15 to the security area near the cafeteria.

16 A.That's it.

17 Q.Okay. All right.

18 So you came out of the elevator bay. There was
19 already a park police ---

20 A.Right outside the door.

21 Q.--- officer outside the door, okay. And not sure
22 the day, but it would have been around 3:30 in the
23 afternoon.

24 A.It's actually 3:30 in the afternoon.

25 Q.What happened?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 114

1 A.I walk in. Mr. Woolley tells me, you're being
2 terminated because you put the county into legal
3 jeopardy. And that was it. I asked him for
4 documentation. He says he didn't want to give me
5 anything, and I walked out.

6 Q.Who was present at that meeting?

7 A.Mr. Lazarus and Mr. Woolley.

8 Q.Did Mr. Lazarus say anything?

9 A.No.

10 Q.Just so we're clear, you weren't a member of the
11 union or anything yourself?

12 A.No.

13 Q.At-will employee, right?

14 A.At-will, yeah.

15 Q.And Mr. Woolley gave you no other context for why
16 you were being fired?

17 A.No, I did ask him for documentation. He didn't
18 say anything. He just said, you fired.

19 Q.So he never specifically said you're being fired
20 in relation to your investigation of Lisa Jackson?

21 A.No.

22 Q.Did he say that you're fired in relation to
23 investigation of any other matter?

24 A.No. He just said, you've put the county in legal
25 jeopardy and we're letting you go. That was it. Then

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 116

1 your car was parked, they were giving you the ability
2 to get your car out and leave.

3 Right?

4 A.Yeah.

5 Q.Okay.

6 Did you find that behavior, under the
7 circumstances, reprehensible?

8 A.Yes, I did. I felt like a common criminal.

9 Q.Okay.

10 Did they make sure that you actually drove out of
11 the building?

12 A.Yes.

13 Q.All the way to the gate?

14 A.Yes.

15 Q.Okay.

16 The one on Third Street or one on Olive.

17 A.County building --- the courthouse is here. The
18 one on this side. So I would have to say that would
19 be on Olive because that's where the entrance and the
20 exit is, the parking lot.

21 Q.Have you ever been presented with anything that
22 suggested your termination was based upon your
23 investigation of Jackson?

24 A.No.

25 Q.Has any member of staff of the county indicated

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 117

1 to you that it was based upon your investigation of
2 Jackson?

3 A.No.

4 Q.Why do you believe that termination is related to
5 your investigation of Jackson?

6 A.Because of all the factors that were involved
7 with that. Because of all the players that were
8 involved with that. And I believe it was a result of
9 that because all the actions that were taken towards
10 Ms. Jackson or territory employees were the most
11 relevant things that were going on at that time, in
12 that time period. So I related them all, and I said,
13 this has to be the reason why.

14 Q.Were there any other investigations you were
15 involved in around the same time the issues that
16 Jackson was going on that may have been mishandled in
17 any way.

18 A.No, everything ---.

19 Q.Let me finish the question, that may have
20 suggested there was a job performance issue?

21 A.No, as a matter of fact, I've got it here of all
22 the things that I was working on and Jamal was working
23 on, all the investigations were tendered and
24 completed.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 118

1 And do you think that you had any type of job
2 performance issues at all from, let's say, May of 2022
3 through August of 2022?

4 A.No, as a matter of fact, there were various
5 emails and letters sent to Mr. Lazarus and Jamal
6 saying how I was performing in my job and that
7 everybody was very happy with it.

8 Q.Well, would you agree with me that it's possible
9 for an employee to have successes, but also failures?

10 A.Yes, but I didn't have any. As a matter of fact,
11 they also got an additional email from one of the
12 union presidents, actually, who was very dismayed with
13 the fact that I was being let go.

14 ATTORNEY SCHLEIGH:

15 Mark that Figueroa-1.

16 ---

17 (Whereupon, Deposition Exhibit Figueroa-
18 1, Email, was marked for
19 identification.)

20 ---

21 BY ATTORNEY SCHLEIGH:

22 Q.So we're showing you what's been marked as
23 Figueroa-1, which should be defense Bates stamp RFP
24 37. And I'll represent it's an email from Lisa
25 Jackson dated Tuesday, July 1, 2022 10:59 p.m. I

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 119

1 believe it's addressed to you. Do you recognize this?

2 A.It's addressed to me, but I don't recognize it.

3 I don't remember it.

4 Q.Okay.

5 Take a moment to look it over. See if it

6 refreshes your recollection any.

7 A.Basically, it says that she's forwarding to me

8 the Notice of Disposition for Mr. Fitzgerald dated

9 July 1. That's right before the holidays.

10 Q.Okay.

11 I'll represent to you ---.

12 ATTORNEY SCHLEIGH:

13 We'll mark this Figueroa-2.

14 ---

15 (Whereupon, Deposition Exhibit Figueroa-

16 2, Notice of Disposition, was marked for

17 identification.)

18 ---

19 BY ATTORNEY SCHLEIGH:

20 Q.What is the attachment to that email. Do you

21 recognize that?

22 A.I vaguely recognize it.

23 Q.Okay.

24 Do you have any doubt that this was emailed to

25 you on July 1st, 2022?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 120

1 A.If it's addressed to me, I can't say I don't
2 doubt it.

3 Q.Do you have any recollection of anything you did
4 to respond to this email?

5 A.If you're asking me whether I tried to get in
6 touch with her to discuss this, I'm sure I did. But I
7 can't give you an exact answer as to when.

8 Q.Okay.

9 Do you know if you sent a response to her
10 acknowledging its receipt?

11 A.No, I can't recall that.

12 Q.Do you remember starting any type of
13 investigation based upon what was written in this
14 employee notice of discipline?

15 A.Well, it was a discipline, and usually, like we
16 noted before, that a notice of discipline usually
17 doesn't incur an investigation. It's just a notice of
18 discipline. We initiated the investigation based upon
19 Mr. Fitzgerald's complaint. This is not a complaint.

20 This is notice of discipline. So usually those come
21 to our office. All right? Either to myself or to
22 Jamal. But this doesn't prompt an investigation.
23 It's just a notice of discipline.

24 Q.Second sentence on F-1 says, his behavior
25 outburst today was unacceptable, and before sending

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 121

1 this notice directly to him, I'm sending to you for
2 review and guidance. Did I get that correct?

3 A.Where do you see that? Hold on for a second. I
4 probably did review it. Again, this wouldn't prompt
5 investigation. It may have prompted some sort of
6 guidance insofar as Mr. Fitzgerald is concerned, but I
7 don't quite know when that occurred.

8 Q.Did she provide Ms. Jackson any guidance?

9 A.I don't remember.

10 Q.Do you remember giving her an email saying, yes,
11 issue this, or no, don't, or, we need to talk about
12 this further, or perhaps I can help resolve the issues
13 in your department?

14 A.No. Again, like I said, this would just prompt a
15 response from me or from Jamal. And the thing is,
16 it's also addressed to him, so I don't quite know
17 whether or not I directly addressed it or he directly
18 addressed it, but this would not prompt the
19 investigation.

20 Q.I understand. Let's review the email. It says,
21 to Hector Figueroa.

22 A.That's correct.

23 Q.Mr. Johnson was copied on it.

24 Correct?

25 A.Yes.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 122

1 Q.The salutation says, good evening, Hector.

2 Correct?

3 A.Yes.

4 Q.Can we agree it was addressed to you?

5 A.Yes.

6 Q.Okay.

7 Do you remember actually providing any type of
8 response, guidance, education, intervention in this
9 issue?

10 A.It probably didn't need my intervention.

11 Q.All right.

12 A.The discipline she already rendered it. Okay.

13 And Jamal and I probably thought it didn't need an
14 investigation.

15 Q.Okay.

16 Let's read sentence two again. His
17 behavior/outburst today was unacceptable, and before
18 sending this notice directly to him, I am sending it
19 to you for your review and guidance. Does that not
20 suggest to you that she is seeking your approval
21 before sending this?

22 A.I don't remember this. You're asking me
23 something that occurred back in July 1st of 2022.

24 Q.Okay.

25 Well, your investigation of Ms. Jackson started

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 123

1 the beginning of August of 2022.

2 A.Yes, I remember.

3 Q.So this was only a month before.

4 Right?

5 A.I remember that, yes.

6 Q.Less than a month before, practically.

7 A.I don't remember whether or not I rendered any
8 review, whether or not I actually called her into my
9 office to discuss it. We may or may not have done it.

10 Q.Okay.

11 Do you know whether or not this employee notice
12 of discipline was ever actually issued?

13 A.That I don't know.

14 Q.Okay.

15 Well, let's take a look at what she was asking
16 you to review and provide guidance about that. That's
17 F-2, the actual employee notice of guidance, and she's
18 attempting to write Mr. Fitzgerald on Friday, July
19 1st, 2002 (sic), for violations including neglected
20 duty, insubordination, and conduct unbecoming. Have I
21 read that correctly?

22 A.That's what it says.

23 Q.Okay.

24 These are things that you typically review in
25 your position with the Human Resources Department.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 124

1 Right?

2 A.At times, yes.

3 Q.Okay.

4 And says the date of the violation, the place of
5 the violation, all being in the Central Purchasing
6 Department on July 1st, 2002.

7 Do I have that correct?

8 A.Now I remember.

9 Q.Okay.

10 A.As far as this is concerned I don't have any
11 email proof. All right. But it may come from her if
12 she has it. She actually did come to my office and we
13 did discuss it.

14 Q.Okay.

15 What happened?

16 A.Basically, if I remember correctly, I told her to
17 explicitly give him a detailed listing of the things
18 that she wanted him to do, insofar as his duties were
19 concerned, because maybe, just maybe, he wasn't quite
20 sure what he was supposed to do. But that's what I
21 suggested to her. Now that this recollects my memory.

22 Q.Okay.

23 And do you find any of the descriptions of Mr.
24 Fitzgerald's behavior would have been appropriate for
25 someone in his position?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 125

1 A.I do, but then again, I would have to get his
2 take on it, because there's two sides to every story.

3 Q.Sure. All right.

4 So based at least on the face of what's saying
5 here, when she claims that he went on the defensive
6 stating, you deferred the individual to me because
7 that's what you wanted, so that's what I did. Do you
8 think that would be an appropriate tone and tenor of a
9 conversation with your direct report?

10 A.Well, if you look on the bottom also, all she
11 actually did with this particular case was to give
12 them a verbal reprimand. Usually with a verbal, all
13 right, we either look at it or approve of it or give
14 the okay or something to that effect. We don't give
15 anything in writing because it's a verbal. The verbal
16 basically is her dictating this, putting in his
17 personnel file and then moving on from there.

18 Q.This is a memorization of a verbal reprimand?

19 A.Yes, that's what it says there.

20 Q.Do you know if your department ever approved of
21 it considering the email said they were looking for
22 your review and guidance before she issued it?

23 A.I can't tell you for sure.

24 Q.Okay.

25 Would this have given you some notice that there

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 126

1 was an issue going on in this department before you
2 got the complaints later in the month from Mr.
3 Fitzgerald?

4 A.It would have. However, when you see on the
5 bottom, it says a verbal review. All right, that
6 usually prompts in my department and any other
7 department that I've worked on that's to be done by
8 the supervisor without any, how can I say, any further
9 investigation by us.

10 Q.Okay.

11 And when you consider Mr. Fitzgerald's
12 complaints, had this been approved, should it have
13 appeared in his personnel file so that it would been
14 there for reference as you conduct part of your
15 investigation?

16 A.Like I told you before, I didn't have access to
17 personnel files, and we didn't look into personnel
18 files. I told you that before.

19 Q.I'm sorry. Did I understand correctly that as
20 investigatory personnel of the HR department you
21 didn't have access to their personnel records?

22 A.We didn't ask for them. All right. Every
23 investigation that I've done at the county, I didn't
24 use personnel files.

25 Q.Why not?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 127

1 A.I didn't feel the need to.

2 Q.Okay.

3 So you didn't feel the need to have any
4 historical context to see whether there have been
5 prior problems?

6 A.No. I got those primarily from the
7 investigation, from the interviews that I did.

8 Q.Do you recall what day of the week July 1st, 2022
9 was?

10 A.No.

11 Q.The county offices would have been closed on the
12 4th. It being the 4th of July holiday.

13 A.Yes.

14 Q.Okay.

15 ---

16 (Whereupon, Deposition Exhibit Figueroa-
17 3, Emails, was marked for
18 identification.)

19 ---

20 BY ATTORNEY SCHLEIGH:

21 Q.I'm going to show you what's been marked as F-3,
22 Bates stamped Defendants RFP 56, 57, which is a series
23 of emails, the first of which at the top of the first
24 page is July 5th from Munsanda Brown to you. Does
25 this refresh your recollection at all regarding when

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 128

1 Munsanda Brown would have referred Mr. Fitzgerald's
2 complaints to you?

3 A.No, this was just informing me that he had
4 requested a transfer that came from Munsanda Brown,
5 and there was other conversations that Fitz ---
6 Franklin had with Munsanda concerning that transfer.
7 But I look at things like this, all right, insofar as
8 approving transfers that at that particular time was
9 left to Munsanda because she was an assistant vice
10 president --- or assistant director of recruitment.
11 So any transfers she took care of, she usually got
12 involved in trying to find another position or another
13 department that she can transfer people to because it
14 happened in other occasions.

15 Q.I understand all that. Appreciate your answer.
16 My question was, does that refresh your recollection
17 about when Munsanda first brought to your attention
18 that Mr. Fitzgerald had any complaints about Ms.
19 Jackson? At least I hope that was my question.

20 A.Well, it's here. Okay. So I guess I have to
21 accept the fact that she did send it to me back in
22 July 5th.

23 Q.Okay, you put it down for a minute.

24 Are you the kind of person who takes your work
25 home with you?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 129

1 A.No.

2 Q.Okay.

3 Try and leave it at the office?

4 A.Yes.

5 Q.Do you have a smartphone?

6 A.Yes.

7 Q.Did your smartphone have your work email

8 connected to it back in 2022?

9 A.No.

10 Q.All right.

11 Is it fair to say that if you left the office for

12 a holiday weekend, you didn't look at anything until

13 you came back?

14 A.Absolutely.

15 Q.All right.

16 So I represent to you that July 4th weekend ran

17 over the evening of July 1st, 2022, until Tuesday

18 morning, July 5th, 2022. Would that sound correct?

19 A.Know what you're asking.

20 Q.Okay.

21 This calendar ---

22 A.Okay.

23 Q.--- July '22, according to what my cell phone

24 says, okay, if you look at the 1st through the 4th,

25 July 2022.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 130

1 A.1st is Friday, 2nd is Saturday.

2 Q.That's a holiday weekend.

3 Right?

4 A.Okay. Yeah.

5 Q.Did you do any work that weekend?

6 A.No.

7 Q.Did you look at any work emails that weekend?

8 A.I don't remember.

9 Q.Okay.

10 Do you think you did?

11 A.I don't know. I can't recall.

12 Q.Let's turn back for a minute to F-1. According
13 to F-1, Ms. Jackson sent her email out to you around
14 almost 11 o'clock on Friday, July 1st, 2022, the
15 beginning of the holiday weekend. Ms. Brown sent her
16 email to you about Franklin Fitzgerald on Tuesday,
17 July 5th, 2022 10:22 a.m. Would that suggest to you
18 that both Ms. Brown and Ms. Jackson's emails were
19 sitting in your inbox on the same morning?

20 A.Probably, yeah.

21 Q.Okay.

22 Did it raise any alarms to you that Mr.
23 Fitzgerald was seeking to have a transfer out of the
24 department, considering less than one business day
25 before his supervisor was trying to write him up?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 131

1 A.I left that decision completely up to Munsanda
2 Brown, being that she was in charge of transfers.

3 Q.Okay.

4 In the course of going through your emails that
5 day, you did go through all your emails that day. You
6 got caught up with anything that came over the last
7 couple days.

8 Fair to say?

9 A.Probably.

10 Q.Did anything click that these two emails were
11 related?

12 A.I don't remember.

13 Q.Do you recall having any verbal communications
14 with Ms. Brown prior to July 5th, 2022, regarding Mr.
15 Fitzgerald?

16 A.I don't have any conversation with Ms. Brown
17 after that insofar as trying to come up with a plan to
18 get him transferred.

19 Q.Okay.

20 My question was, did you have any verbal
21 communications with her before the morning of July 5?

22 A.No.

23 Q.Regarding Mr. Fitzgerald.

24 A.No.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 132

1 A.Not to my knowledge.

2 Q.So it's fair to say then, that Mr. Fitzgerald's
3 desire to transfer out of purchasing was not brought
4 to your attention, at least before your email was in
5 receipt of the proposed discipline from Ms. Jackson?

6 Knowing you probably didn't read them until that
7 morning, maybe earlier that day, but they were both
8 sitting there at the same time.

9 A.Yeah.

10 Q.Okay.

11 We talked about a Mr. McFarland earlier, and you,
12 I believe, said that you thought that was the attorney
13 from Campbell Durrant firm.

14 A.I may have gotten the names all messed up.

15 Q.You may have. Do you remember Jason McFarland
16 who worked in the IT Department?

17 A.Yes.

18 Q.Okay.

19 Do you get his name confused with john
20 McLaughlin?

21 A.Yes.

22 Q.Okay.

23 Mr. McFarland had some concerns about one of his
24 fellow employees in IT.

25 Correct?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 133

1 A.She was --- she was being very --- how can I say?

2 Q.Does the word amorous sound good?

3 A.Very what?

4 Q.Amorous.

5 A.Extremely. And he found it very offensive.

6 Q.Okay.

7 Were there ever any concerns about how you
8 handled that matter?

9 A.Yes. There were from him, anyway.

10 Q.All right.

11 And how was that addressed?

12 A.Because --- well, let me give you the context.

13 In order for me to render the investigation in this
14 particular case, I had to interview Mr. McFarland. He
15 didn't want to get interviewed. He absolutely refused
16 to get interviewed. So I had the opportunity --- I
17 got to admit that I got a little bit upset and I sort
18 of raised my voice a little bit. I said, I have to
19 interview you. I have to address this. And because
20 of the way that I approached him, he filed a complaint
21 with Mr. Lazarus, who came up to me and said, listen,
22 this has been done, but don't worry about it.

23 Q.All right.

24 So there was a complaint about your work,
25 although it wasn't necessarily from management.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 134

1 A.No.

2 Q.Okay.

3 And was there any concern about whether you had
4 fully investigated that matter?

5 A.Yeah, as a matter of fact, from that matter, we
6 discovered that the young lady that was being very
7 amorous was also an alcoholic, and she had bottles of
8 liquor spread all over the building, and she
9 subsequently was terminated because of that.

10 Q.And did Mr. McFarland feel like his concerns were
11 not being taken seriously at any point? And that's
12 why you complained to Mr. Lazarus?

13 A.I think he felt that I was being a little bit too
14 pushy insofar as trying to get an interview with him.
15 But whether or not his concerns were addressed, he
16 came into my office, all right, and we talked about
17 it, but when I tried to approach him to give me a
18 detailed interview, he just wouldn't do it.

19 Q.So how did it come about that he provided a
20 statement.

21 A.What do you mean, he provided a statement?

22 Q.My understanding is he provided a written
23 statement about what happened.

24 A.I don't remember that.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 135

1 ATTORNEY SCHLEIGH:

2 Thank you. What are we up to?

3 COURT REPORTER:

4 Four.

5 ---

6 (Whereupon, Deposition Exhibit Figueroa-

7 4, Emails, was marked for

8 identification.)

9 ---

10 BY ATTORNEY SCHLEIGH:

11 Q.All right.

12 I'm providing you what's been marked F-4 initial
13 emails from Marc Woolley to Lauren Footman. But
14 embedded in that is the content of a July 1st, 2022
15 email from Jason McFarland to you, along with a bunch
16 of other people copied. And it says, attached is my
17 statement regarding the harassment that I've received
18 from another county employee that was reported on
19 Monday, June 27. I was informed yesterday, Thursday,
20 June 30 that I had to put this in writing in order to
21 begin an investigation. Do you recall receiving this?

22 A.No, I don't.

23 Q.Okay.

24 Any reason to doubt that that's the email that
25 this was sent to figueroah@co.delaware.pa.us?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 136

1 A.No.

2 Q.I don't know why my email makes the County shield
3 a separate attachment, but it did. But if you go to
4 page three, which starts at Bates stamp number 60,
5 starts off title Jason McFarland, IT Department
6 continues on for three pages to Bates stamp 62. I'll
7 represent to you that that was the statement
8 attachment provided with this email. Do you recognize
9 that?

10 A.It rings a bell.

11 Q.This is the morning of July 1st, 2022. Did you
12 know at that point that the female employee --- and
13 just for identification that is, hopefully I'm
14 pronouncing this correctly Regine, R-E-G-I-N-E, Strey
15 S-T-R-E-Y. At that point, had you guys reached
16 somewhere in your investigation that she was an
17 alcoholic and had bottles of liquor throughout county
18 offices?

19 A.At this particular point, it wasn't I that had
20 discovered that she had alcohol all over the building.
21 It was Jamal.

22 Q.Okay.

23 A.That's when we discovered that was the case. I
24 did tell Mr. McFarland that --- if I remember
25 correctly, that I would address it with John Becht

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 137

1 insofar as his supervisor, and that I really thought
2 that he was making much ado about nothing. All right?

3 But I told Jamal, and Jamal took it upon himself to
4 interview the young lady involved, and it was
5 discovered that she was an alcoholic, and she was in
6 turn, terminated.

7 Q.And the way this started unfolding was a pretty
8 serious investigation you guys had to handle.
9 Right?

10 A.Well, it was a complaint. Right. But I'm going
11 to be frank with you. When I discussed it with the
12 gentleman that filed a complaint, initially, I had
13 gotten word that he had been a consummate complainer
14 throughout the entire district.

15 Q.Okay.

16 A.And that he was always complaining about things.
17 And when I met him he was --- and I met him in my
18 office, he was immediately belligerent and not nasty,
19 but very belligerent. So I told him then, I said,
20 listen, I'm going to discuss this with John Becht, all
21 right? But I really told him, I said, I think you're
22 making something big out of nothing. And then I went
23 to visit him at John Becht's office, and that's when I
24 got loud with him. I said --- not loud, but I was
25 actually very forward, and I said, I have to interview

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 138

1 you at length, and he wouldn't do it.

2 Q.Do you know when that happened, vis-a-vis the
3 timing of that email providing a statement? Like,
4 before, after, same day?

5 A.Well, he probably filed a complaint the day after
6 that him and I had the conversation that we kind of
7 went at each other. But the exact timing of it, I
8 can't tell you for sure. Is this mine?

9 Q.Can hold on to for now. Eventually, she has to
10 get them all, and we refer to them again.

11 Did you end up responding to Mr. McFarland
12 regarding his statement or follow up on that?

13 A.When he refused to interview with me, that's when
14 I referred it to Jamal.

15 Q.Okay.

16 With regard to that specific email ---

17 A.No, I didn't.

18 Q.--- provided a statement, was there any type of
19 response to that?

20 A.Well, I brought him into my office, like I stated
21 before, to discuss it, and he immediately got very
22 belligerent with me, so I let it go at that. Then I
23 went to visit him again in John Becht's office, and he
24 got belligerent again. That's when I told Jamal, I
25 said, listen, you got to help me with this, because

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 139

1 this is going nowhere with this guy.

2 Q.So in that instance, you asked for help?

3 A.Yes.

4 Q.Okay.

5 And as that investigation unfolded and it was
6 determined that the female coworker was an alcoholic,
7 that put her potentially in a protected group as well.
8 Right?

9 A.You would say so, yes.

10 Q.Right. So that you have to balance the needs of
11 both employees concerning the employment decisions
12 when they're both in protected groups.

13 Right?

14 A.Yeah. I would agree with you.

15 Q.And was the investigation of that particular
16 complaint time consuming?

17 A.I don't remember quite well. All I know is that
18 I don't know the exact time that it took for Jamal to
19 get all the answers that he needed, but I would
20 venture to say that it wasn't too long, maybe a week.

21 Q.Well, the investigation didn't just involve
22 talking to Mr. McFarland, it didn't just involve
23 talking to Ms. Strey, there were other employees
24 involved as well.

25 A.Right. There was his supervisor, John Becht, and

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 140

1 another young man who was African American that I
2 ended up interviewing.

3 Q.Is that Mr. Rush?

4 A.I don't remember his name.

5 Q.Was there someone that you interviewed, and you
6 had to interview them because they end up taking the
7 female coworker home while she was intoxicated?

8 A.I think that was the young African American man
9 who had done that.

10 Q.Did you interview him or Mr. Johnson or both?

11 A.We both interviewed him and we gave him advice
12 insofar as never to do that again because he had put
13 not only him, but the county in jeopardy.

14 Q.Right. So it was a pretty complicated series of
15 events that unfolded there.

16 A.Yeah.

17 Q.In the course of that, concerning you get the
18 statement July 1st. You got the information about
19 Fitzgerald around that period of time. Do you believe
20 you were overtaxed with your attention to the various
21 matters that you were expected to handle?

22 A.No.

23 Q.You never felt like you needed to ask for help?

24 A.The only time that I asked for help was when I
25 ran into a roadblock with Mr. McFarland and I said,

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 141

1 listen, I need your help with this because he's not
2 responding to me.

3 Q.And when you requested Mr. Johnson's assistance,
4 he got it for you?

5 A.Yes.

6 Q.Okay.

7 Do you know if that required him to go to
8 management above him to get the compliance of Mr.
9 McFarland?

10 A.That I don't recall.

11 Q.Okay.

12 I'm going to represent to you that you did
13 respond, or at least try to respond Mr. McFarland.

14 ATTORNEY SCHLEIGH:

15 And we'll mark this as 5.

16 ---

17 (Whereupon, Deposition Exhibit Figueroa-
18 5, Emails, was marked for
19 identification.)

20 ---

21 THE WITNESS:

22 All right.

23 This was my response when I initially
24 found out that he had filed a complaint against me.

25 BY ATTORNEY SCHLEIGH:

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 142

1 Q.Okay.

2 A.And I felt the need to actually respond to it.

3 Q.Okay.

4 A.And this is that.

5 Q.All right.

6 So just for the record, we're referring to an
7 email that's dated December 21st, 2022, initially from
8 Marc Woolley to Lauren Footman. Embedded in that is a
9 Friday, July 1st, 2022 10:28 a.m. email from Mr.
10 Figueroa to John McLaughlin.

11 Did I get that correct?

12 A.Yeah.

13 Q.Okay.

14 John McLaughlin's email address is
15 jmcclaughlin@cdblaw.com.

16 A.Yeah.

17 Q.Okay.

18 John McLaughlin at Campbell Durrant was the
19 county's labor attorney.

20 Right?

21 A.Yes.

22 Q.Okay.

23 Were you trying to respond to Mr. McFarland's
24 communication?

25 A.See here's where there is an error in this email.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 143

1 Q.Okay.

2 A.All right. Because I actually accuse Mr.

3 McLaughlin of getting loud with me, and that's a

4 mistake. I got the names mixed up. That wasn't him.

5 It was Jason McFarland that got loud with me, not Mr.

6 McLaughlin.

7 Q.All right.

8 So this was an attempt to respond to Mr.

9 McFarland's email that had been written roughly 14
10 minutes earlier.

11 Is that correct?

12 A.I don't remember.

13 Q.All right.

14 Well take a look at F-4. We just put it down.

15 A.Yes, it is. But like I said before, this has a
16 very grave error in it that I got the names mixed up.
17 This was supposed to have been addressed to McFarland
18 instead of McLaughlin and actually has two different
19 paragraphs in there that I got them mixed up between
20 McFarland and McLaughlin.

21 Q.Were you trying to say something to Mr.

22 McLaughlin in this email too or is it completely
23 misdirected?

24 A.I was trying to get a message across to our
25 attorney but then in it on the paragraph two

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 144

1 apparently that should have been --- oh, I know now.

2 Okay. When I sent this to Mr. McLaughlin all right, I

3 actually put in there his accusation of me. So that

4 way Mr. McLaughlin could have been aware of what was

5 going on but that was about it. I'm sorry if I got

6 things a little mixed up here, but this rings true.

7 Q.Okay.

8 ATTORNEY COHEN:

9 Can we take a little break?

10 ATTORNEY SCHLEIGH:

11 Sure.

12 ATTORNEY COHEN:

13 Okay.

14 ---

15 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

16 ---

17 BY ATTORNEY SCHLEIGH:

18 Q.So we were on F-5 and I was asking if any part of

19 the email was intentionally directed to John

20 McLaughlin, the labor attorney at Campbell Durrant.

21 A.This entire thing was directed towards him

22 because if I remember correctly, I was making him

23 aware of what Mr. --- the other gentleman, I can't

24 remember his name was accusing me of.

25 Q.If we look towards the bottom of F-5, there is

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 145

1 the email from Mr. McFarland embedded in it.

2 Right?

3 A.Uh-huh (yes).

4 Q.And Mr. McFarland's name is fully there in the

5 from line.

6 Correct?

7 A.Uh-huh (yes).

8 Q.His email with --- I'm sorry you need to say

9 answer out loud of some type, yes or no or something.

10 What was the answer to the last question?

11 A.Yes. This was directed towards John McLaughlin.

12 Q.That's my point. Lower in F-5 there's an

13 embedded email from John --- I'm sorry, excuse me,

14 Jason McFarland.

15 A.Jason McFarland.

16 Q.The from says Jason McFarland.

17 Right?

18 A.Uh-huh (yes).

19 Q.We did it again. You have to say yes, no, or

20 something else.

21 A.Yes, it says Jason McFarland.

22 Q.And his Delaware County, Pennsylvania official

23 email in the same kind of format as yours. Last name,

24 first, initial is right there.

25 Correct?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 146

1 A.Yes.

2 Q.Okay.

3 And all the CCs that were on the initial email,

4 none of them were John McLaughlin.

5 Right?

6 A.No.

7 Q.Did John McLaughlin typically get involved in
8 employment issues that were non-labor union related?

9 A.No, but if I remember correctly, I just got in
10 touch with him because of the fact I was a little
11 concerned that Mr. McFarland had approached all the
12 powers that be about my behavior. I don't remember
13 whether or not Mr. McLaughlin replied or anything like
14 that but ---.

15 Q.Did anyone instruct you to contact Mr. McLaughlin
16 about this issue?

17 A.Mr. McLaughlin or Mr. ---?

18 Q.McLaughlin, the attorney. Anyone instruct you
19 to ---

20 A.I don't remember.

21 Q.--- talk to Mr. McLaughlin regarding the issue
22 with Mr. McFarland?

23 A.I don't remember.

24 Q.Okay.

25 Let's look at the way your email at 10:28 that

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 147

1 morning, July 1st, is actually written. Mr.
2 McLaughlin, good morning, thanks for putting the
3 statement together as it's certainly needed in order
4 to address the situation. What statement did Mr.
5 McLaughlin put together?
6 A.I don't remember.
7 Q.Okay.
8 Let's look at the email that's below it that you
9 appear to be responding to from Jason McFarland
10 roughly 14 minutes earlier. That was Exhibit F-4.
11 Didn't Mr. McFarland provide you a statement as an
12 attachment to that email? Here, it's right here.
13 Right? This one we just looked at as part of F-4.
14 A.I would have to say yes, I mean, again, this
15 is ---.
16 Q.The statement he provided to you says Jason
17 McFarland at the top, IT department.
18 Right?
19 A.Okay. Maybe this was sent to John McLaughlin in
20 error.
21 Q.Okay.
22 A.That I admit to.
23 Q.Attention to detail matters, doesn't it?
24 A.In our game, yes.
25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 148

1 If an attorney gets an email and they're not an
2 internal department attorney, would it be reasonable
3 to expect them to review it and eventually build a
4 county for it?

5 A.That I'm not quite sure of. I don't know if John
6 McLaughlin ever replied to this at all.

7 Q.Okay.

8 But if something gets misdirected to an attorney,
9 do you expect them to look at it if it's one of the
10 regular clients?

11 A.Yeah.

12 Q.Okay.

13 And if they spend the time to look at it ---.

14 A.They're going to charge us, yes.

15 ATTORNEY SCHLEIGH:

16 Mark this as F-6.

17 ---

18 (Whereupon, Deposition Exhibit Figueroa-
19 6, Emails, was marked for
20 identification.)

21 ---

22 BY ATTORNEY SCHLEIGH:

23 Q.Do you recognize this?

24 A.Yeah, I think I do. And this was the
25 clarification of what had occurred that I had sent it

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 149

1 to John in error. And like it says, he was overseas.

2 Q.For the record, this is two page document marked

3 F-6, starts with RFP 701 to 702. Initially at the top

4 it's a December 21st, 2002 (sic) email from Marc

5 Woolley to Lauren Footman. Embedded in that is a July

6 1st, 2002 2:56 p.m. email from Jamal Johnson to you,

7 John McLaughlin, Bill Martin, Marc Woolley. Right?

8 A.Yep.

9 Q.For identification. And the context of the

10 message from Mr. Johnson says, good afternoon, I

11 appreciate the clarification note that the individual

12 writing the statement was Jason McFarland. However,

13 poor John McLaughlin is still overseas and may be very

14 confused. And then says, don't worry about sending

15 anything to McFarland. Howard and the solicitor both

16 reached out to me and clarified the situation here.

17 All right. This was in response to your earlier email

18 that day to John McLaughlin and others from 10:28 a.m.

19 Right?

20 A.That was sent earlier, yes.

21 Q.So you at least received in this email from your

22 direct supervisor that was copied to his direct

23 supervisor, including Marc Woolley and the County

24 Solicitor, a correction of your work.

25 Correct?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 150

1 A.Okay.

2 Q.Is that fair to say?

3 A.It's fair to say.

4 Q.Okay.

5 And hopefully John McLaughlin read this and then
6 didn't charge anybody anything. But I don't know the
7 answer to that either. Now where it says, my thoughts
8 are as follows and there's not enough here for
9 harassment claim for the statements of both parties,
10 their behavior began this week and attended to a
11 handful of messages that are at best embarrassing on
12 the party's sender. There's no indication from Mr.
13 McFarland's statements that at any point he expressed
14 the messages were unwelcome and wished for them to
15 stop. He simply ignored them. On Regine's end, she
16 admits to sending the initial messages on Thursday
17 6/23, but also indicate that she confessed sending
18 them to her husband to make him aware that she did so
19 sometime during the week at 6/25, that portion there.

20 Do you know whose work product that is?

21 A.That's hard to say because I had originally made
22 the statement that there just wasn't enough there. All
23 right. That maybe we shouldn't follow up on this
24 because there just isn't enough.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 153

1 to take her home to make sure that she got home safe.

2 But insofar as the timeline, as far as that's
3 concerned, I can't remember.

4 Q.Okay.

5 Would it be fair to say that as of July 1st, 2022
6 --- strike that.

7 As of July 4th, 2022, that investigation had not
8 been fully concluded?

9 A.I would say it's a fair statement.

10 Q.Okay.

11 In light of that ongoing investigation, where did
12 that end as compared to when you started learning
13 about the Fitzgerald problems?

14 A.I can't say. Sometimes those things happen one
15 right after another. Whether or not it happened
16 within the same timeframe or a week or two, I can't
17 say. I'm sure you got something that says the exact
18 date.

19 Q.So you're talking about you're having some
20 communication with Attorney Richman before you left
21 for AVI the first time.

22 Right?

23 A.Yes.

24 Q.Okay.

25 ATTORNEY SCHLEIGH:

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 154

1 This is 7?

2 COURT REPORTER:

3 Yes.

4 ---

5 (Whereupon, Deposition Exhibit Figueroa-

6 7, Emails, was marked for

7 identification.)

8 ---

9 BY ATTORNEY SCHLEIGH:

10 Q.Did this refresh your recollection at all as to

11 when those communications were going on? It's a two

12 page document, Bates stamped RFP 102 to 103.

13 A.Yeah, I remember these.

14 Q.So it looks like, starting at the bottom of page

15 one, there's communication from Stephen Richman dated

16 April 8th 2022, directed to you.

17 A.That was to me.

18 Q.Okay.

19 And it looks like he's asking for a bunch of

20 information.

21 A.Yes.

22 Q.What was the reason why he was asking for all

23 this?

24 A.For union negotiations.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 155

1 Does this refresh your recollection at all as to
2 when your first exit to go to AVI occurred?

3 A.It's about the same time because I remember
4 sending this. Well, it was sent to Jamal, and I was
5 surprised when I got back that these things had still
6 had not been taken care of.

7 Q.Okay.

8 A.But that was his general request at that time.

9 Q.All right.

10 So also on April 8th, 2022, about an hour and a
11 quarter later, you forward Mr. Richman's request to
12 Lauren Williams, who's the warden of the prison, Jamal
13 Johnson, who was your direct supervisor, copy to
14 yourself and copy to Munsanda Brown.

15 Correct?

16 A.Uh-huh (yes).

17 Q.Okay.

18 You got to seek your answers out.

19 A.Oh, yes. I'm sorry.

20 Q.Okay.

21 And your forwarding email basically says, oh, I
22 just received requesting listings from Steve Richman
23 we should discuss. Was that discussed before you left
24 for AVI?

25 A.No.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 156

1 Q.Okay.

2 Can you say how much time had passed between you
3 asking to discuss that with everyone and when you
4 actually left for AVI?

5 A.It was not too long after that. I would say
6 maybe a week or less or give or take a day here or
7 there.

8 Q.All right.

9 What, if anything --- strike that.
10 At the time you emailed this, had you given
11 notice that you were leaving?

12 A.You know what, I don't remember.

13 Q.Okay.

14 A.Sorry about that.

15 Q.Were you asked to prepare anything in relation to
16 this request for Mr. Richman before you?

17 A.No, I just made sure that everybody got a copy of
18 that. And I just wanted --- I wanted everybody to be
19 aware of what he was requesting, because I think by
20 that time, I may have rendered a decision that I was
21 going to leave.

22 Q.There's nothing in your April 8th email
23 forwarding this on indicating that you were soon to be
24 leaving your position.

25 Right?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 157

1 A.No.

2 Q.Okay.

3 Was there ever a communication sent to all these
4 same people saying, hey, you know I'm leaving. You
5 need to follow up on this?

6 A.No.

7 Q.Okay.

8 Were you asked to create ---?

9 A.No.

10 Q.Let me finish my question.

11 A.Go ahead.

12 Q.I could change my question. You've already given
13 me answer.

14 A.I apologize.

15 Q.You don't want that. People ask questions like,
16 have you ever been a member of the Communist Party and
17 you're already answered yes.

18 A.You really want to know?

19 Q.You're in labor. It happens.

20 A.Go ahead, man. I'm sorry. Go ahead.

21 Q.In all seriousness, like, any type of exit memo
22 or follow up on this about things that need to be done
23 to deal with this?

24 A.No. As a matter again, excuse for the
25 assumption. I had made the safe assumption that they

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 158

1 were going to react to this request in a timely
2 manner. That was an assumption on my part.

3 Q.Okay.

4 Did anyone ever give you anything in writing
5 saying, we're taking this from here?

6 A.No.

7 Q.Okay.

8 Did anyone ever give you an oral representation
9 that they would take care of it from there?

10 A.You know I can't remember. I know that I may
11 have had a conversation with Laura Williams concerning
12 this and concerning the request, but to be frank with
13 you, I don't remember whether or not I did or I
14 didn't. All I know is that they were aware of what
15 was requested.

16 Q.Did you ever follow up with Mr. Richman
17 indicating to him who would take care of the request?

18 A.No. Again, I safely assumed that this is going
19 to be taken care of.

20 Q.Were you ever given any instructions as to who
21 was going to take over your responsibilities when you
22 left to go to the AVI?

23 A.No. There's a very good there's a very good
24 chance that Jamal did, but I'm not quite sure.

25 Q.Did you have any meetings with him before you

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 159

1 left about the status of things so he knew to pick up
2 where you left off?

3 A.Yeah, but I don't remember if I gave it to him
4 anything in writing. Most of the time we had verbal
5 meetings, insofar as me letting him know exactly what
6 was outstanding.

7 Q.All right.

8 ATTORNEY SCHLEIGH:

9 Eight.

10 ---

11 (Whereupon, Deposition Exhibit Figueroa-
12 8, Emails, was marked for
13 identification.)

14 ---

15 BY ATTORNEY SCHLEIGH:

16 Q.When you came back, did you have to go through a
17 process to reactivate your email with accounting or
18 anything like that?

19 A.No, as a matter of fact, I was never taken out of
20 the fold, if I can put it that way.

21 Q.Just to clarify, they never deactivated your
22 account?

23 A.No.

24 Q.At any time between you left for AVI and when you
25 came back, were you able to access that account?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 162

1 A.Yeah.

2 Q.Right above that, there's an email dated
3 Wednesday, May 25th in the middle of the second page
4 of this exhibit directed solely to you.

5 Correct?

6 A.Uh-huh (yes).

7 Q.You have to answer out loud.

8 A.Yes.

9 Q.Sometimes I put a paper together that allows me
10 to put little shock collars on people. They waive
11 their rights to zap them if they keep doing ---.

12 ATTORNEY COHEN:

13 In his defense he's interviewing at the
14 public defender next week.

15 ATTORNEY SCHLEIGH:

16 Okay.

17 ATTORNEY COHEN:

18 Going to be interviewing people, making
19 sure their moot court skills are up to par.

20 BY ATTORNEY SCHLEIGH:

21 Q.It's directed solely to you. It's dated May
22 25th. It says, Hector, I'm following up on the
23 attached email. When can I expect a response,
24 question mark? They obviously need information so the
25 union can move forward in its relation with the

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 163

1 county. Thanks. Nothing between those two emails.

2 Right?

3 A.Uh-huh (yes). Yes.

4 Q.Okay.

5 Do you have any notion as to whether any type of
6 away message or response message was set up for your
7 account? Were you directing people to who to contact
8 if they can't get a hold of you when you were leaving?

9 A.No.

10 Q.Did anyone ask you to create that?

11 A.No.

12 Q.Did you think yourself to put something saying,
13 I'm no longer available, please contact my supervisor
14 or somebody else?

15 A.I may have told some folks, but not everybody.

16 Things were moving so fast at that time.

17 Q.Do you remember having any communications with
18 Mr. Richman between April 8th and May 25 of 2022
19 indicating you were leaving your employment with the
20 county?

21 A.No. I just got together --- I just sent him
22 emails immediately after I came back. Because there's
23 a very good possibility that some of these emails were
24 sent to my email box while I was away.

25 Q.The message above that on the second page,

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 165

1 Do you know if Mr. Richman had your phone number?

2 A.He had my private cell number.

3 Q.Okay.

4 Did he call you at any time between ---?

5 A.During that time, no.

6 Q.Let me finish a question. Between April 8th and

7 June 13.

8 A.No.

9 Q.Okay. All right.

10 And then starting on the bottom of the first

11 page, there's a response from you dated June 13, 2022,

12 to Mr. Richman. And I'm going to paraphrase here. It

13 says, Steve, I've been away from the county for close

14 to one month. My apologies for not getting back to

15 you sooner. When I originally received the

16 information request, it was forwarded to the warden

17 and other interested parties. Let me get back with

18 them in an effort to get this information to you. And

19 then take care, your signature. Does that refresh

20 your recollection at all as to the timing of when you

21 returned?

22 A.Being that this was such an important thing to

23 take care of, I would have to say that it was within

24 that same week of June 13 or maybe --- I would have to

25 say June 13.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 178

1 Okay. Right. Well, sure, that meeting,
2 right. Not meeting with Warden Williams.

3 BY ATTORNEY SCHLEIGH:

4 Q.Okay.

5 Do you recall --- I'll clean it up. Do you
6 recall when the meeting with Solicitor Martin
7 regarding the resistance of Warden Williams to provide
8 you documentation occurred?

9 A.No.

10 Q.Okay. All right.

11 COURT REPORTER:

12 Ten.

13 ---

14 (Whereupon, Deposition Exhibit Figueroa-
15 10, Emails, was marked for
16 identification.)

17 ---

18 BY ATTORNEY SCHLEIGH:

19 Q.Providing you a document we've marked F-10. It
20 should be five pages long, beginning with RFP 51. The
21 front page involves an email from William Martin, who
22 we discuss with solicitor to yourself. Copied to Jamal
23 Johnson dated Monday, June 27, 2022 at about 10:14
24 a.m. There are other embedded emails in that we also
25 address, but feel free to take a minute or two to look

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 179

1 yourself over and familiarize yourself with it.

2 ---

3 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

4 ---

5 BY ATTORNEY SCHLEIGH:

6 Q.Okay. Had a chance to look it over?

7 A.Yeah.

8 Q.Do you recognize the series of emails?

9 A.I recognize all of them.

10 Q.All right.

11 Let's turn to the third page. It's an email
12 dated June 24, 2022, from Stephen Richman, the
13 attorney we've been talking about, to you with a copy
14 only to another apparent attorney from his office by
15 name of Thomas Kohn, K-O-H-N. This email says, I'm
16 again following up on the below. We have yet to
17 receive any substantive response from the county. As
18 I previously advised, we need the information requests
19 to move forward with negotiations and hope to resolve
20 other outstanding issues between the county and the
21 union. We'd like to proceed without the need for any
22 litigation, but the county's failure to respond is
23 leaving the union without any choice. I look forward
24 to a thought response from the county. Did I read that
25 correct?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 180

1 A.Yes.

2 Q.And that's just over nine days after the previous
3 email he sent to you requesting that information?

4 A.Uh-huh (yes).

5 Q.Again, you have to say yes, no, or something
6 else.

7 A.Yes.

8 Q.Okay.

9 Fair to say you've been back on the job about two
10 weeks at this point?

11 A.Yes.

12 Q.Okay.

13 Q.Possibly longer. Possibly longer?

14 A.Two weeks. I would say something to that effect.

15 Q.All right.

16 Were there any communications with anyone about
17 Mr. Richman's request to someone other than Jamal
18 Johnson by June 24, 2022?

19 A.Warden Williams was fully aware of all the
20 requests that were made of him, or rather, by him.
21 There was never an instance that his request for
22 information wasn't --- well, there may have been maybe
23 one, two. But she was fully aware of what was
24 requested by Mr. Richman.

25 Q.When you said she was fully aware, are you

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 181

1 referring to the fact that you made the forward to her
2 back in April, or are there other communications that
3 exist indicating that come June of 2022, Mr. Richman
4 was requesting these documents again?

5 A.All right, that was just my getting back to
6 everybody on board that we had not answered those
7 requests and that he was considering filing a ULP.

8 Q.Okay.

9 And I know that you sent something to Mr.
10 Johnson. Did you send something directly to Warden
11 Williams that I'm not aware of by June 24 of 2022?

12 A.Well, I did make her aware, and like I said
13 before, I have never left her out of the picture.

14 Q.How did you make her aware?

15 A.Again, I made them aware when I first got back,
16 and taking care of other things that were on my desk.
17 Verbally, I kept on asking Jamal for this information.

18 I asked Munsanda for the information. She had things
19 to take care of. And by this time, I had also gotten
20 in touch with John McLaughlin to see if I can get his
21 help in this. But again, throughout this entire
22 period, the warden would not give me anything.

23 Q.Okay.

24 Are there any written communications prior to
25 June 24, 2022, to Warden Williams again, requesting

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 182

1 this information that I'm not aware of?

2 ATTORNEY COHEN:

3 Objection. You can answer.

4 BY ATTORNEY SCHLEIGH:

5 Q.All right. You can't answer my statement. Fair
6 enough. Are there communications that you're aware of
7 prior to June 24, 2022, in writing from yourself to
8 Warden Williams requesting the information that Mr.
9 Richman had asked for in April and was renewing his
10 request in June of 2022?

11 A.No, only the response that I gave to all the
12 parties when I first got back that this stuff had to
13 be taken care of as quickly as possible.

14 Q.When was that?

15 A.We had gone over that already.

16 Q.In fairness, there's the June 15 email to Jamal
17 Johnson, which is F-9. I'm not trying to hide the
18 ball on that.

19 A.It's okay.

20 Q.Is there any other communications you're aware
21 of?

22 A.We've gone over all of them. But when I first
23 got back, I did send an email to all the parties
24 concerned saying that this had to be taken care of
25 because they had not been taken care of during the

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 183

1 time that I was away. Yeah, it says, dear colleagues,
2 please take care of this.

3 Q.Are you looking at F-7?

4 A.I don't know.

5 Q.Take a look at the sticker.

6 A.You got the request on April 8. I know there's
7 one that says, Steve, please --- dear colleagues,
8 please, let's take care of this.

9 Q.All right.

10 Well, let me help you. Looking at F-10.

11 Starting at the bottom of page two, which is Bates
12 stamp 52, there's a June 24, 2022 email at 2:57 p.m.

13 A.Oh, there it is.

14 Q.From yourself to Mr. Johnson to turn Attorney
15 McLaughlin to Warden Williams, copy to yourself,
16 copied to Mr. Richman, where it does say, colleagues,
17 I've sent out a number of requests for the information
18 Steve is requesting. Please help me in getting this
19 out to him. Or I suspect that you have much of the
20 information that Steve is asking for. If so, can you
21 please forward what you have to his attention? Take
22 care of Hector.

23 Did I read that correctly?

24 A.Yes.

25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 184

1 Would you agree with me that that gets sent out
2 20 minutes after Mr. Richman asks for it again on June
3 24, 2022?

4 A.Why shouldn't it?

5 Q.Okay.

6 So the answer is yes, you agree with me it got
7 sent out 20 minutes later.

8 A.Well, he had made the request all over again, and
9 I just wanted to make sure that all the parties that
10 were involved were informed that he still had not
11 gotten the information that he requested.

12 Q.I understand. Your message says, I sent out a
13 number of requests for the information Steve has
14 requested. My question is, when were those requests
15 made?

16 A.They would have to go back to the time before I
17 left and the time when I got back. Again, between
18 that time of my leaving and coming back, I didn't make
19 any requests of anybody because I didn't have any need
20 to.

21 Q.I understand. Other than the April 8th request
22 being forwarded to some of these stakeholders that we
23 just referenced in your June 24 email and the email on
24 June 15 to Mr. Johnson, are you aware of any other
25 written correspondences where you again, advised them

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 185

1 that Mr. Richman still hadn't gotten the documents he
2 requested in April?

3 A.Just correspondence that you have and that's it.

4 Q.Okay.

5 And if you look further up --- excuse me. If you
6 look further up the email, second page 152 of Exhibit
7 F-10, there's a correspondence from Warden Williams to
8 yourself, Mr. Johnson, Mr. McLaughlin, and to Mr.
9 Richman, where she says, aside from the first request,
10 I have not had any further follow up from any parties.

11 I will follow up with John McLaughlin. Mr. Richman,
12 in order to reduce delays, please reach out to me or
13 John McLaughlin, and we will group in the other
14 members. I demonstrate responsiveness through the
15 joint filing and postings because the communications
16 was directed to me or the solicitor. Did you have a
17 chance to review this around the time that you
18 received it?

19 A.Sure.

20 Q.Did you have any information at that time to
21 indicate that what Warden Williams said was
22 inaccurate?

23 A.I believe not.

24 Q.Do you have reason to believe that other than the
25 April request, which I believe she's referring to,

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 186

1 that she had any other communications from you or Mr.
2 Richman requesting the documents?

3 A.Besides all the emails that have gone back and
4 forth, there was an understanding on everybody's part
5 that these things had to get done. And again, I have
6 to reiterate that if you would look at page --- the
7 last page of Exhibit 10, right. These are all the
8 requests, and these are the ones that she would not
9 cooperate with. So I was kind of ---.

10 Q.What evidence do you have that she wasn't
11 cooperating when she says on June 24, other than the
12 first time I got them I haven't seen any follow up
13 from any of the parties about it?

14 A.Because we had discussed it on the phone.

15 Q.Okay.

16 What did she say and when?

17 A.I don't remember what she said. All right. All
18 I do remember is that she refused to let go of some of
19 the information because it was proprietary,
20 specifically that of the techniques for interviews,
21 the personnel files, the number of individuals that
22 were not going to be led back into the facility. That
23 was part of the conversation that I had with her.

24 Q.Okay.

25 Let's turn to the first page of F-10. So there's

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 187

1 an email from Warden Williams to Bill Martin dated
2 June 27, 2022 at 10:12 a.m. Admittedly, you're not
3 copied on this particular email, in which Warden
4 Williams writes, Bill, need your help. Who could
5 assist with advisement? It seems that Hector has been
6 getting this communication instead of me, and now
7 there's pressure for a response, and John McLaughlin
8 is out of the country until July 6. Have you had a
9 chance to see that?

10 A.Yeah.

11 Q.That's just a reference point. Immediately above
12 that is the email from Bill Martin to you asking
13 Hector, please call me in my office to discuss. You
14 received an email from Dely.

15 Right?

16 A.It's there, yes.

17 Q.And that included email from Warden Williams.

18 Correct?

19 A.I don't quite remember but it probably did.

20 Q.Okay.

21 Would you have read forwarded emails when an
22 email gets sent to you as a matter of practice?

23 A.Sure.

24 Q.And at that time, were you aware John McLaughlin,
25 the labor attorney, was out of the country?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 188

1 A.Yes.

2 Q.Okay.

3 A.If you remember correctly, I had made that
4 mistake insofar as sending the wrong email.

5 Q.So there was things going on with John
6 McLaughlin, same time things were going on with the
7 investigation regarding Mr. McFarland.

8 Correct?

9 A.Probably, yes.

10 Q.But details matter.

11 Right?

12 ATTORNEY COHEN:

13 Objection, asked and answered.

14 BY ATTORNEY SCHLEIGH:

15 Q.These details matter, don't they? All right.
16 Did you eventually talk to Mr. Kumar Novello what
17 was going on with the labor issues?

18 A.I went with Jamal, yes, we had a meeting with
19 him.

20 Q.What happened?

21 A.Basically he said --- quite frankly, he said,
22 listen, don't worry about her, we all know that she's
23 a pain in the ass. Verbatim.

24 Q.Okay.

25 A.And that was it. He said, just do the best you

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 190

1 A.All right.

2 Q.We know that you had a final day of around August
3 23, 2002, can you tell me approximately how long
4 before you were terminated that Mr. Richman got
5 documents he was asking for?

6 A.I don't know.

7 Q.How did he receive them?

8 A.I think there were a number of documents that was
9 sent to him via email, but I don't quite remember when
10 that occurred.

11 Q.Did you yourself personally send them out?

12 A.I probably did because I was responsible for it.

13 Q.Did there come a time where any of the superiors
14 and management were asking questions about how you
15 kept track of your assignments?

16 A.Yes.

17 Q.When did that first start occurring?

18 A.That probably occurred maybe a week before my
19 termination, maybe two weeks before my termination.

20 Q.And how did it occur?

21 A.What do you mean, how did it occur? He sent me
22 an email, Marc Woolley.

23 Q.Did you have any communication with him about
24 that outside of the email?

25 A.No.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 191

1 Q.And how did you respond to him?

2 A.I responded, I gave him a listing of what was
3 outstanding and what I was doing. And then I got
4 together with Jamal and we put together a very
5 detailed listing because Jamal felt that he had to
6 also make him --- well, Marc Woolley made Jamal and
7 myself --- if I remember correctly, he wanted to know
8 what was in the hopper, you know, everything that was
9 in the hopper.

10 Q.And why was that?

11 A.I don't know.

12 Q.Were you involved in a communication about why
13 he's requesting it?

14 A.No.

15 Q.Were you also asked to be involved in the
16 compilation of any information regarding a spreadsheet
17 that compiles tracks regarding open job searches?

18 A.No.

19 Q.Outside your wheelhouse, so to speak? Outside,
20 out of your wheelhouse, so to speak?

21 A.So to speak.

22 Q.Were you aware whether the department was ever
23 looking for any additional employees while you were
24 there? Your department?

25 A.There was a situation that we were considering,

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 193

1 stamped PLF 10 through 12 for the next series of
2 questions.

3 ---

4 (Whereupon, Deposition Exhibit Figueroa-
5 11, Emails, was marked for
6 identification.)

7 ---

8 BY ATTORNEY SCHLEIGH:

9 Q.Are you generally familiar with the emails that
10 are referenced on this document?

11 A.I'm fully familiar with it.

12 Q.Okay.

13 You had some testimony earlier about a list of
14 projects that you provided to Marc.

15 A.Yes.

16 Q.Is that reflected on page two of this document?

17 A.To the best of my recollection, yes.

18 Q.Okay.

19 So just for setting up our timeline, you provide
20 the list of things that you're working on to Marc
21 Woolley. And keep saying --- Marc Woolley and Jamal
22 Johnson and copy to yourself on July 22nd, 2002 at
23 3:52 p.m.

24 A.Yes. Uh-huh (yes).

25 Q.And that was in response to an email that was

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 194

1 sent to you earlier that day from Lauren Footman,
2 apparently on Marc Woolley's behalf, requesting.

3 Is that correct?

4 A.Uh-huh (yes).

5 Q.You have to say yes.

6 A.Yes. I'm sorry.

7 Q.And the subject is Grievance CBA Tracker. Can
8 you explain exactly what that refers to?

9 A.Grievance is basically those particular
10 occurrences where you have a difference of
11 interpretation between a union member and the
12 facility. And the CBA tracker is basically just
13 making everybody aware of contract negotiations that
14 are ongoing.

15 Q.Okay.

16 So CBA stands for collective bargaining agreement
17 in this context.

18 A.Yes. And that's what I named it at that time.

19 Q.Were you being asked to provide information about
20 any other things that you were working on at this
21 time?

22 A.I was just asked to give a listing of CBA about
23 outstanding grievances and CBA negotiations, and
24 that's what I responded to. The response that I got
25 from Marc Woolley is that he had made a couple of

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 195

1 grammatical changes, and then I discussed it with
2 Jamal and we decided to put together a very detailed
3 listing of what was outstanding at that particular
4 time.

5 Q.And in the first page of F-11, there's exchange
6 communications between you and Mr. Johnson and general
7 tone is that indicates that there are other things
8 we'll be putting on the list that were things that you
9 may not have been aware of.

10 A.Yes.

11 COURT REPORTER:

12 Twelve (12).

13 ---

14 (Whereupon, Deposition Exhibit Figueroa-
15 12, Graph, was marked for
16 identification.)

17 ---

18 BY ATTORNEY SCHLEIGH:

19 Q.Okay.

20 Giving you a copy of some type of spreadsheet
21 that the Bates numbers got cut off, but it's
22 originally from Plaintiff's production and it looks
23 like it's entitled Labor Relations Log on the first
24 left hand page. Eleven (11), looks like it's 11 pages
25 long. Feel free to confirm me or tell me if I can't

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 207

1 A.That I can't answer.

2 Q.Okay.

3 A.All right. There's a very good chance that we
4 both played some catch up baseball with this and so
5 far getting as much information on this tracker as
6 possible.

7 Q.Okay.

8 You don't think anything from Ms. Jackson's July
9 1st proposed employee discipline would have appeared
10 on the tracker at that time?

11 A.I don't think so.

12 Q.Okay.

13 A.And I don't know why not.

14 Q.And then is it correct that --- I think you
15 touched on this a bit earlier. Ms. Jackson did submit
16 on July 28th a proposed notice of discipline to Mr.
17 Fitzgerald again?

18 A.A.Uh-huh (yes). Well, that was the only
19 one that we have, yeah.

20 Q.The only one you have.

21 A.That was the only one that I saw.

22 Q.You never saw the July 1st one?

23 A.No.

24 Q.I thought we established earlier was the one
25 directed to you.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 208

1 A.The one that you showed me a copy of, that's the
2 one that I saw.

3 Q.Okay.

4 You never saw one she wrote July 28th?

5 A.No.

6 Q.All right.

7 A.Not to my knowledge, anyway.

8 COURT REPORTER:

9 Fourteen (14)

10 ---

11 (Whereupon, Deposition Exhibit Figueroa-
12 14, Emails, was marked for
13 identification.)

14 ---

15 BY ATTORNEY SCHLEIGH:

16 Q.Okay.

17 F-14 is Lisa Jackson's Thursday, July 28, 2022
18 email to you with a carbon copy to Mr. Johnson
19 indicating as a subject, employee notice of
20 discipline, Franklin Fitzgerald, an attachment being
21 employee notice of discipline, Franklin Fitzgerald,
22 number two with 07/27/22, also listed in the title of
23 the PDF document that was attached. Body says, Good
24 morning, Hector. Attached, please find my formal
25 employee notice of discipline for my staff member

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 209

1 Franklin Fitzgerald. His behavior outburst yesterday
2 afternoon was unacceptable. With this being the
3 second occurrence within the month, see previous email
4 below, I'm recommending a three day suspension.
5 However, as instructed prior to sending this notice
6 directly to him, I am sending to you for review and
7 guidance. I look forward to hearing from you and/or
8 speaking with you at your earliest convenience next
9 week. Thanks and have a great holiday.
10 Do you recall receiving this?
11 A.No. It's there, but I don't recall.
12 Q.How soon after this or before it do you think you
13 received the Fitzgerald complaint?
14 A.Which one? The first one or the second one?
15 Q.Is there a second one?
16 A.It says it's the second one.
17 Q.Right, I'm sorry, bad context. Where on the
18 timeline did you receive the complaint from Mr.
19 Fitzgerald?
20 A.I would have to say sometime in mid-July, I
21 think. I don't have the dates in front of me. Again,
22 he made formal complaints with Munsanda, as we stated
23 before.
24 Q.Do you know if it was before or after the second
25 request for review and guidance of an employee

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 210

1 discipline from Ms. Jackson?

2 A.I don't know. It has to before, probably.

3 Q.Do you remember responding to Ms. Jackson

4 regarding this email?

5 A.No, I don't.

6 Q.When we looked at the tracker, that was marked as
7 Exhibit number 12, and there's a reference to July 28
8 being a submitted date, do you know if Mr. Fitzgerald
9 submitted his complaint on the same date?

10 A.No.

11 Q.Did you do anything to act upon Ms. Jackson's
12 request for advice and guidance regarding a potential
13 three day suspension of Mr. Fitzgerald?

14 A.As stated before, we tried to get together with
15 her, both Jamal and myself, but she wasn't available.
16 And then when we tried again, she had gone on
17 vacation. So we did try, but quite frankly, I think
18 she was trying to dodge it. But that's as far as I
19 can go.

20 Q.When you were trying to contact Ms. Jackson,
21 wasn't that in relation to the fact that you received
22 a complaint from Mr. Fitzgerald and not in response to
23 her request for guidance for her attempts to
24 discipline Mr. Fitzgerald?

25 A.I don't recall.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 211

1 Q.Around the same time that Fitzgerald complaint
2 was brought to your attention, were you also trying to
3 conduct interviews with prison guards in relation to
4 some discipline issues there?

5 A.No, I never interviewed the prison guards.

6 Q.Never?

7 A.No.

8 Q.Were you ever asked to make any interviews at the
9 prison?

10 A.No. That was done by either Munsanda or Warden
11 Williams, but I did not interview everybody.

12 Q.Okay.

13 Did Jamal do that?

14 A.I'm not quite sure. I know I didn't.

15 Q.All right.

16 Just to be more specific, because I'm not trying
17 to keep this --- were you involved in any
18 investigations involving Major Richard Leech?

19 A.I know there was an investigation that was being
20 rendered. One of the young ladies from the
21 correctional institute had filed a complaint of
22 harassment. I don't remember the names, but that was
23 done. But I can't remember her name. I know as a
24 result of the investigation, one individual was
25 terminated, another individual was --- he went from

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 212

1 one grade to one --- well, he was demoted, but I don't
2 quite remember what it was.

3 Q.Do you remember being involved in any way, I'll
4 rephrase the question, of an interview of Major
5 Richard Leech.

6 A.I think I was there in Jamal's office, but I
7 didn't interview him. I know that he was there with
8 Jamal and myself.

9 Q.Same question with respect to Major Elder
10 Pleasant?

11 A.That I don't know.

12 Q.Same question. Sergeant Joshua Thamarus.

13 T-H-A ---

14 A.No.

15 Q.--- M-A-R-U-S.

16 A.No.

17 Q.Sergeant Berlia, B-E-R-L-I-A, Mae Russell.

18 A.No.

19 Q.How about Officer Cassandra Hall?

20 A.That rings a bell. I think that was the young
21 lady that filed an original complaint of harassment.
22 And then he rendered the investigation of two
23 individuals who are like I said, one was terminated,
24 the other was demoted. But the investigation got very
25 difficult because we found out that she was bearing a

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 213

1 child of one of the correction officers, so it made it
2 very difficult.

3 Q.You said bearing.

4 Right.

5 A.Yes. She's pregnant.

6 ---

7 (Whereupon, Deposition Exhibit Figueroa-
8 15, Emails, was marked for
9 identification.)

10 ---

11 BY ATTORNEY SCHLEIGH:

12 Q.I know these are cut off places in here. Let's
13 take a look at this. It's a two page document marked
14 as F-15. It's Bates stamped RFP 847, 848. And I
15 believe the top email on the first page is from you.

16 A.Yeah.

17 Q.Okay.

18 I don't have it in front of me. What's the date
19 of the email from you?

20 A.It says July 29.

21 Q.Okay. 2022?

22 A.Yes.

23 Q.All right.

24 And it's directed to Warden Williams, Jamal

25 Johnson, Marc Woolley, Iris Wiley. She was employed

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 214

1 by the prison.

2 Right?

3 A.Yes, she was the personnel director.

4 Q.Cheyenne Marquette.

5 A.I don't know who that is.

6 Q.Laura Barrett.

7 A.I think they both worked within the HR
8 department.

9 Q.Okay.

10 And Mr. Lazarus. And you're responding to an
11 email from Warden Williams who says, I've already
12 contacted three gentlemen that have been suspended in
13 an effort to set up interviews for the beginning of
14 the week. I will keep you abreast. Email earlier
15 that day from Laura Williams says the prison has
16 provided the contact information for all the
17 interviews. As Hector is leading the investigation,
18 we are subject to his schedule. I would ask that all
19 interviews are scheduled to be completed by Tuesday so
20 the reports can be reviewed and dispositions provided.

21 Does that give you a refresher context on what we're
22 talking about with prison interviews?

23 A.It may, but there were so many interviews, I
24 don't remember which ones I actually took part in or
25 actually did.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 215

1 Q.Okay.

2 There's an earlier email from Jamal Johnson from
3 that day, about 5:58 p.m. And there's the list of the
4 names of the prison staff I just talked to you about.

5 Do you recall which of the three suspended gentlemen
6 ---

7 A.No, I don't.

8 Q.--- you were supposed to interview?

9 A.No, I don't.

10 Q.Do you have any recollection today as to whether
11 you followed through with interviewing those three
12 gentlemen?

13 A.Yeah, as a matter of fact, we interviewed Mae
14 Russell, I think we interviewed Joshua Thamarus, if I
15 remember correctly, Richard Leech, I think, and
16 Cassandra Hall.

17 Q.What was the urgency that they'd be completed by
18 Tuesday?

19 A.That was her urgency, not mine.

20 Q.Okay.

21 What was her urgency ---

22 A.I didn't know.

23 Q.--- about Tuesday?

24 A.I have no idea.

25 Q.These emails were Friday night after normal

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 221

1 ---

2 (Whereupon, Deposition Exhibit Figueroa-
3 17, Emails, was marked for
4 identification.)

5 ---

6 BY ATTORNEY SCHLEIGH:

7 Q.All right.

8 I'm showing you a one-page document, RFP 107,
9 that's been marked as F-17. It's from you to John
10 McLaughlin, copies to Jamal dated August 3rd, 2022,
11 which was a Wednesday. Do you recall sending this
12 document?

13 A.Yeah, I remember.

14 Q.Okay.

15 What is the context of what the two of you are
16 talking about?

17 A.Well, there had been a Labor Relations Board
18 complaint that was filed in a notice of hearing and
19 John McLaughlin looked into it and he was able to
20 address it and change the date of possibly the
21 negotiations to 1020 or something to that effect, but
22 I was aware of it.

23 Q.What was it concerning?

24 A.If I remember correctly, the union had filed a
25 complaint so far as the negotiations were being

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 222

1 stalled. I think. I'm not quite sure. I don't have
2 all of the details right now on top of my head.

3 Q.All right.

4 And your message to him says john, thanks so much
5 has been going on that I missed opening the messages
6 mentioned. What did that mean?

7 A.I don't know.

8 Q.The message John McLaughlin sent to you ---.

9 A.Was at 4:30.

10 Q.Right. Same day. Says, yes I dealt with this
11 last week, got the hearing moved after speaking with
12 Bill, sent around an email last week and one earlier
13 this week. New date is October 20, 2022. I've
14 attached them for your convenience and to forward to
15 the prison. I even copied the warden on them because
16 of the importance. Does that refresh your
17 recollection at all of what this was all about?

18 A.No. I know that there was an issue with a Labor
19 Relations Board complaint and they had taken care of
20 it.

21 Q.Was there any issue with you not opening emails
22 during this period of time?

23 A.No.

24 Q.Okay.

25 COURT REPORTER:

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 224

1 those folks.

2 Correct?

3 A.Uh-huh (yes).

4 Q.All right.

5 There's been some allegations in this matter that
6 there was some type of leak in the HR department about
7 this investigation to Ms. Jackson. Are you familiar
8 with that allegation?

9 A.No.

10 Q.Okay.

11 Are you aware of whether anyone was leaking
12 information out of HR to her?

13 A.I had heard but ---.

14 Q.What had you heard?

15 A.Well, it was just innuendo insofar as who did
16 what, who said what to whom.

17 Q.As a matter of protocol, if HR is conducting an
18 investigation, how do you approach the target of that
19 investigation to advise them to something, if
20 anything, is going on?

21 A.Well, usually a target of an investigation, they
22 are told that it's to be held with full confidence
23 insofar as the investigation is concerned, not to
24 divulge any information. That's usually done at the
25 very beginning.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 225

1 Q.Is there any explanation of any kind about what
2 allegations have been made against them?

3 A.Against who?

4 Q.Target. Target told the following allegations
5 made. What's the extent of the information?

6 A.Yeah. Usually when you run an investigation you
7 do tell the target exactly what the complaint is about
8 or what the allegation is about.

9 Q.Okay.

10 So when you first had a communication with Lisa
11 Jackson, would you have explained to her that the
12 complaint was made by Mr. Fitzgerald?

13 A.I don't remember. Probably.

14 Q.All right.

15 That would not be unusual protocol ---

16 A.No.

17 Q.--- to say so and so made a complaint about you?

18 A.Uh-uh (no).

19 Q.You have to answer out loud.

20 A.No. Yeah.

21 Q.That was a confusing answer on the record. So
22 we're going to try again. Is it normal protocol to
23 explain the target of investigation that a certain
24 person has made a complaint against them?

25 A.Yes.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 226

1 Q.What other information is then provided to the
2 target of the investigation?

3 A.That's it from the very beginning. And that's
4 when you tell them, we need to talk, we need to have
5 an interview.

6 Q.Nothing about the nature of the complaint is
7 explained to them at that point.

8 A.Usually you tell them exactly what the allegation
9 is, but usually save all the good stuff when you get
10 together with them.

11 Q.All right.

12 And what, if anything, have you heard that
13 someone would have made something to Ms. Jackson other
14 than your initial representation?

15 A.That I don't know.

16 Q.Is there anyone you're aware of who has
17 information that such a leak occurred?

18 A.I had heard some rumors, but I wasn't quite sure
19 where it may have come from.

20 Q.Well, who did you hear the rumors from?

21 A.I don't remember.

22 Q.Okay.

23 Well, who all did you talk about this case with
24 that could have provided you that information?

25 A.Pardon?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 227

1 Q.Who else did you talk to about these allegations
2 that would have potentially made mention that someone
3 would have leaked it to her?

4 A.The only ones that knew about the investigations
5 were the individuals from within her department that
6 were being interviewed, Munsanda, Jamal and myself.
7 But you also have to remember that was a very small
8 department, and if the information got out or someone
9 talked to somebody inadvertently, there's a good
10 chance that may have happened.

11 Q.Okay.

12 Have you ever spoken to anyone in the purchasing
13 department, in the actual physical department?

14 A.No.

15 Q.Okay.

16 A.Not to my knowledge.

17 Q.Are you aware of whether or not, so to speak, the
18 walls are thin in that particular unit?

19 A.The entire building is. The walls are thin.

20 Q.So it's possible that people may have overheard
21 things?

22 A.Maybe. I'm not quite sure. I don't want to
23 point the finger at anybody without being absolutely
24 sure.

25 Q.Do you understand why it was decided that Mr.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 228

1 Fitzgerald should be moved to Fair Acres?

2 A.Well, at that time, there was concern about
3 whether or not the situation was going to get worse
4 between them two. And in all fairness to everybody I
5 thought --- everybody thought that the best thing to
6 do was to get him out of there to avoid future
7 complaints, to avoid it flaring into something that
8 was uncontrollable. So it was best decided just to
9 get him out of there.

10 Q.With regards to relations with managerial
11 employees, would you agree with me that it would be
12 important that when they seek advice on discipline,
13 write ups, things of that nature, that you should
14 regularly and appropriately respond in a timely manner
15 so that they have faith in the HR department?

16 A.I would have to say it depends on the situation.

17 Q.If there was a managerial employee who never had
18 their concerns about discipline of an employee
19 acknowledged or responded to at all or in a timely
20 manner, could you see why they may be cautious in
21 dealing with the HR department when they're advised
22 that they suddenly have a complaint against them.

23 A.If you're asking whether that occurred within the
24 HR department that we had known.

25 Q.I'm asking a hypothetical question based upon

Page 230

1 sorry. I kind of lost.

2 ---

3 (WHEREUPON, PREVIOUS QUESTION WAS READ BACK.)

4 ---

5 THE WITNESS:

6 No, I don't think so.

7 BY ATTORNEY SCHLEIGH:

8 Q.Okay.

9 When you came on the position back in March, I
10 think we're talking about, fair to say you
11 familiarized yourself with employee handbook, policies
12 and procedures, things of that nature?

13 A.Well, yeah. Well, the handbook was basic insofar
14 as the do's and the don'ts and the EEO and diversity
15 and inclusion and the harassment. But policies and
16 procedures, no. I became familiar with them as went
17 on.

18 Q.When you first started, did you become familiar
19 with an employee probationary period policy?

20 A.I knew it existed but I didn't read it.

21 Q. Okay.

22 Was there a time when you did become familiar
23 with the probationary employee policy?

24 A. Only insofar as other employees were concerned?

25 Yes.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 231

1 Q.Okay.

2 When considering potential progressive discipline
3 against an employee, would knowing whether or not they
4 are still in the probationary period be important?

5 A.Yes.

6 Q.Okay.

7 When we were talking about the situation in the
8 IT department with the amorous employee, was she a
9 probationary employee at the time?

10 A.She was on probation, yes.

11 Q.And do you recall whether there was any
12 recommendations that she received progressive
13 discipline?

14 A.No. Once you're in a probationary period and you
15 don't meet standards, you're eligible to get
16 terminated.

17 Q.Did you ever make any recommendations that there
18 be progressive discipline with her rather than just
19 termination while she was no she was in the
20 probationary period.

21 A.That had been primarily built by Jamal. Can you
22 give me a chance I have to check my SEPTA schedule?

23 ATTORNEY COHEN:

24 Sure.

25 THE WITNESS:

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 232

1 Can I step out for a second?

2 ATTORNEY COHEN:

3 Yeah, sure.

4 ---

5 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

6 ---

7 ---

8 (Whereupon, Deposition Exhibit Figueroa-
9 19, Emails, was marked for
10 identification.)

11 ---

12 BY ATTORNEY SCHLEIGH:

13 Q.You're looking at the August 12th, 2022 email
14 from Marc to Lauren at the top. We have marked as F-
15 19, a two page document Bates stamped RFP 132 and 133.
16 At the top of page one is an August 12th email from
17 Marc Woolley to Lauren Footman, subject matter is
18 forward questions per discipline form. You're not a
19 recipient of that email, but there is reference there
20 to some emails that were forwarded to Mr. Woolley that
21 it appears to be responding to. Directly below that,
22 there is one dated August 12th, 2022 at 6:45 p.m. from
23 you to Mr. Woolley with copies to John Becht and Jamal
24 Johnson, Munsanda Brown and Michael Campellone. Am I
25 pronouncing that correctly?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 233

1 A.Yes.

2 Q.Question number one. Who is Michael Campellone?

3 A.If I'm not mistaken, he is --- he may have been
4 the union rep or the shop steward, but right now I
5 can't remember who it is.

6 Q.Okay. All right.

7 Your email from August 12th says, Marc, if she's
8 still under a probationary period, then of course the
9 situation is a lot simpler. Just need documentation
10 as to why she has not met the county standards. No
11 steps needed. I was more so describing one who is
12 past probation. Just pardon slight confusion. Marc,
13 thanks for the clarification. Hector.

14 That appears to be in response to an email early
15 in the day from Mr. Woolley at about August 12th,
16 2002, at about 6:29 p.m. to you, Mr. Becht, Mr.
17 Johnson, Ms. Brown, Mr. Campellone. I think I already
18 said you, where he asked, isn't she on probation?
19 Isn't the next step just failure of probationary
20 period. No need to make it complicated. Please
21 advise.

22 That in itself appears to have been in response
23 to an email from you to John Becht earlier that day at
24 3:56 p.m. that was copied to Jamal Johnson, Ms. Brown,
25 Mr. Campellone, Mr. Woolley, and yourself answering a

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 234

1 question from Mr. Becht regarding how to discipline
2 somebody. Do you remember who the person was in the
3 context of this particular inquiry?

4 A.The lady who was caught, who was an alcoholic.

5 Q.Okay.

6 And the advice that you gave at 3:56 p.m. was
7 John, the process usually runs in three steps; verbal,
8 written warning, and then final warning. Usually when
9 it reaches this stage more than likely it will result
10 in termination. When reaching the final and a PIP, I
11 guess that's personal improvement plan?

12 A.Yes.

13 Q.It's suggested. It is the practice that the PIP
14 is usually for 60 to 90 days. But depending on the
15 severity of the situation, the number of days you want
16 to issue is up to you. You can go down to as low as
17 30 days. Please, if you have any concerns or need for
18 some additional guidance, do not hesitate to contact
19 me.

20 So if this series of emails was in relation to, I
21 believe her name's Ms. Strey, Regine Strey, who was an
22 alcoholic but had made some inappropriate advances to
23 a coworker, and she was in the probationary period,
24 were you giving Mr. Becht advice that she should get
25 on a performance improvement plan?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 235

1 A.No. He was a little confused as to how to
2 address the situation. Right?

3 Q.Okay.

4 A.And I responded to him based on the premise that
5 she --- at this time, I may or may not have been aware
6 that she was on probation. But anyway, that's neither
7 here nor there. I was just giving him an idea of how
8 to handle a termination or discipline of someone that
9 was regularly on staff. And then I responded to Marc
10 Woolley that, of course, if she's not a full time
11 staff, if she's a probationary, then it's always wise
12 to have some sort of documentation if you're going to
13 let somebody go.

14 Q.Okay.

15 Was Mr. Becht's inquiry specifically regarding
16 this instance involving the amorous employee?

17 A.Yeah.

18 Q.Okay.

19 Then why weren't you giving recommendation
20 immediately that she was on probation if you're able
21 to be terminated for any reason?

22 A.Because I didn't know she was on probation.

23 Jamal told me she was on probation. The initial
24 inclination was to give him advice insofar as taking
25 care of a situation that was an individual that was

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 236

1 past probation. And then I reiterated that if she
2 isn't past probation, then she could be terminated.

3 Q.Mr. Becht was looking for your expertise and
4 advice. That's correct?

5 A.Yes.

6 Q.And he assumably rely upon it.

7 Correct?

8 A.I gave him both scenarios.

9 Q.Okay.

10 Did you only give him a scenario about
11 probationary after it was pointed out to you that the
12 lady was in the probationary period?

13 A.That's when I responded to him on Friday at 6:45
14 p.m. about the ins and outs of the probationary
15 period.

16 Q.Shouldn't you verify whether or not the lady was
17 full time or probationary in the first place?

18 A.That's a toss up, to be frank with you, because I
19 had no idea that she had been there for a short period
20 of time.

21 Q.Had you consulted her personnel file to
22 determine ---?

23 A.No.

24 Q.--- what her background was?

25 A.No, I had not. Again, we rarely looked at

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 237

1 personnel files, and that includes myself, Jamal,
2 Munsanda, everybody.

3 Q.Do you think maybe you should?

4 A.In hindsight, maybe.

5 Q.And do you think that's perhaps a performance
6 issue?

7 A.No.

8 Q.All right.

9 We talked about Sharon Coleman earlier, and I
10 think you said that Ms. Footman never followed up
11 about that?

12 A.She never --- I did ask her, let's get together,
13 but I don't recall getting an answer from her insofar
14 as let's get together on this day or at this time so
15 we can sit down and talk about it.

16 ATTORNEY SCHLEIGH:

17 Twenty (20).

18 ---

19 (Whereupon, Deposition Exhibit Figueroa-
20 20, Emails, was marked for
21 identification.)

22 ---

23 BY ATTORNEY SCHLEIGH:

24 Q.All right.

25 Let's take a look what's been marked into F-20.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 238

1 This is an email from Lauren Footman to you with a
2 copy to Marc Woolley dated August 14, 2022.
3 Correct?
4 A.Uh-huh (yes).
5 Q.So yes, no, or something else?
6 A.Yes.
7 Q.It's Bates stamp pages RFP 190 through 192, and
8 it's a three page document. All right.
9 Let's take a look at page --- let's start at the
10 top. Ms. Footman writes, hi, Hector, circling back to
11 see if you ever found a resolution to this case after
12 our discussion on June 29.
13 Do you recall whether you responded to her about
14 this?
15 A.No, I don't recall. This was during that time
16 that I had just come back.
17 Q.All right.
18 June 29, you have an email to Lauren saying,
19 Lauren, good morning. Let's discuss --- 8:38 in the
20 morning.
21 A.She never came to my office to discuss that.
22 Q.She's saying in her August 14 email that she had
23 a discussion with you on June 29.
24 A.No, she didn't.
25 Q.Okay.

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 239

1 So you deny that ever happened?

2 A.Yes, she never came to my office to discuss it.

3 Q.Whether she came to your office or not, do you
4 have any type of communication with her on June 29.

5 A.No.

6 Q.But based on the June 29 email you sent to her,
7 you least acknowledge her June 28th email forwarding
8 on the information regarding Shannon Coleman?

9 A.Sure. Yeah, but she never came to my office.
10 She never gave me details.

11 Q.She forwarded you other emails from a Pamela
12 Pitts.

13 Correct?

14 A.Pam Pitts is the individual that was the
15 executive assistant to Mark Lazarus (sic).

16 Q.Okay.

17 And Pam Pitts' email from June 28th that was
18 forwarded to you indicated that Sharon Coleman was a
19 clerk for the MDJ. MDJ means magisterial district
20 judge.

21 A.I think so.

22 Q.Okay.

23 And that she was tasked with some
24 responsibilities of a court coordinator for months at
25 a time without receiving the appropriate salary for

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 240

1 performing those duties. Is that the issue were
2 talking about earlier?

3 A.Yeah.

4 Q.And was that someone in addition to the other
5 person that you said had a pay disparity issue?

6 A.No, this was her, from what I remember. But this
7 is the first time that I see these details.

8 Q.Okay.

9 The first time you saw Pamela's email?

10 A.This is the first time that I see that there's
11 issues with her pay, and that was her position, so on
12 and so forth.

13 Q.Okay.

14 So just so I understand your position correctly.

15 Are you saying that when Lauren forwarded you an email
16 on June 28th, 2022, the original email that she would
17 have sent you does not have the information provided
18 by Pamela Pitts attached to it?

19 A.It may have, but I just looked at the very top of
20 it, and that was it. This is the first time that I
21 see this.

22 Q.Okay.

23 But you responded to it on June 29, didn't you?

24 In the middle of page one there.

25 A.I mean, she asked me, let's get together on the

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 241

1 28th. Can we please discuss this?

2 Q.Right.

3 A.And I said, Lauren, good morning. Yeah, let's
4 discuss. She never came to my office.

5 Q.Fine. The question is not whether or not she
6 came to your office. The question is, did you have
7 the information that was forwarded to you? I mean,
8 when you sent an email on the 29th saying, good
9 morning, let's discuss, did you know what you were
10 going to be talking about?

11 A.I don't remember seeing this.

12 Q.Okay.

13 A.Sorry about that.

14 Q.Do you make it a practice to respond to emails
15 saying, yes, let's discuss something, and have no
16 context for what you're about to have a conversation
17 about?

18 ATTORNEY COHEN:

19 Objection. You can answer.

20 BY ATTORNEY SCHLEIGH:

21 Q.You can answer.

22 A.No, I'm not going to answer.

23 Q.Okay.

24 You read the embedded emails that were forwarded
25 to you from Pamela Pitts, did you not?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 242

1 A.No, I don't think so. If not, I would have
2 responded in some other way, but this is the first
3 time I see this.

4 Q.So you never took the initiative to read the
5 embedded emails from Pam Pitts that identified the
6 person who was having the problem, give you some idea
7 of what the problem was, and would give you
8 information to start any type of investigation that
9 might be necessary to determine whether there was a
10 pay disparity issue?

11 A.I don't remember.

12 Q.If you didn't do that, would that be a job
13 performance issue?

14 A.It depends upon the situation and the urgency of
15 the matter.

16 Q.Do you recall whether you had any conversations
17 with Lauren Footman about her inquiry from August 14,
18 about whether you did any follow up that would resolve
19 the case?

20 A.No. Lauren and I --- and again, I reiterate this.
21 We never had any further discussions about Ms.
22 Coleman, about her complaint, about her disparity or
23 anything like that.

24 Q.And is it fair to say that you didn't initiate
25 anything to learn more about it?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 243

1 A.Maybe I was just --- I was too busy and this was
2 one of these particular issues that I depended upon
3 her to get in touch with me.

4 Q.Were you busy such that you requested any help
5 with this particular issue?

6 A.No.

7 Q.Did you make anyone alerted, like Jamal Johnson,
8 that you could use some assistance with this
9 particular project?

10 A.No.

11 Q.Turn back to F-11, please. Take a few moments,
12 page through it. Tell me if I'm wrong. The name
13 Sharon Coleman doesn't employ --- it doesn't appear
14 anywhere on the employee name column, does it?

15 A.I don't know.

16 Q.Well take a look. Let me know.

17 A.It doesn't.

18 Q.Okay.

19 Do you know whether her name ever appeared in
20 early --- any earlier iteration of this document?

21 A.No.

22 Q.And this was something that was asked to be made
23 and was produced by Mr. Johnson at least once at the
24 end of July of 2022.

25 Correct?

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 247

1 occurring before your conversation with Mr. Johnson
2 regarding the search, or are you saying that the
3 conversation about the search occurred before this
4 email or something else?

5 A.The search had not begun yet. The search was
6 suggested by Marc Woolley.

7 Q.I'm talking mainly the conversation where you
8 said you're having a conversation with Mr. Johnson
9 about finding a replacement.

10 A.About putting together a search, yeah.

11 Q.Yeah. Do you know whether or not that occurred
12 before August 15, on August 15 or after August 15?

13 A.I can't tell you.

14 Q.All right.

15 You had a chance take a couple of breaks, we're
16 coming to the end, thankfully. Upon reflection, is
17 there any testimony that you gave today that you think
18 you need to correct, amend, or further explain?

19 A.No.

20 Q.After everything that we've gone through today,
21 do you think there were any job performance issues
22 that you were having in 2022 that may have led to you
23 being fired?

24 A.Not that I was made aware of. There may have
25 been times that I may have been a little late with

HECTOR FIGUEROA vs
COUNTY OF DELAWARE

HECTOR FIGUEROA

Page 248

1 doing things, but depending upon the circumstance and
2 the things I was involved in, no, I don't think so.

3 Q>Your employment stayed full time after you
4 returned from AVI. Would that have been during a
5 probationary period?

6 ATTORNEY COHEN:

7 Which date?

8 BY ATTORNEY SCHLEIGH:

9 Q.When you returned from AVI?

10 A.No.

11 Q.No?

12 A.I got the letter.

13 Q.Let me ask a better question.

14 When you returned from AVI, that was in June?

15 A.Uh-huh (yes).

16 Q.You returned to a full time employment position.

17 A.Uh-huh (yes).

18 Q.You got the yes or no or something else.

19 ATTORNEY COHEN:

20 You got to answer. Okay. Go ahead.

21 BY ATTORNEY SCHLEIGH:

22 Q.There's a little book that gets made up. So, if
23 you returned to full time employment with the county
24 in June of 2022 and you were let go before the end of
25 August, wouldn't you have been in a probation period?